

Reserve  
KFI  
1235  
A21  
v. 14  
no. 27  
Jul 6,  
1990



JIM EDGAR  
Secretary of State

# ILLINOIS REGISTER

## Rules of Governmental Agencies

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## INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

## REGISTER PUBLICATION SCHEDULE 1990

| Material Rec'd<br>after 4:30 p.m. on: | And before<br>4:30 p.m. on: | Will be in<br>Issue #: | Published<br>on: | Material Rec'd<br>after 4:30 p.m. on: | And before<br>4:30 p.m. on: | Will be in<br>Issue #: | Published<br>on:     |
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| Jan. 30, 1990                         | Feb. 6, 1990                | 7                      | Feb. 16, 1990    | Aug. 7, 1990                          | Aug. 14, 1990               | 34                     | Aug. 24, 1990        |
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| May 22, 1990                          | May 29, 1990                | 23                     | June 8, 1990     | Nov. 27, 1990                         | Dec. 4, 1990                | 50                     | Dec. 14, 1990        |
| May 29, 1990                          | June 5, 1990                | 24                     | June 15, 1990    | Dec. 4, 1990                          | Dec. 11, 1990               | 51                     | Dec. 21, 1990        |
| June 5, 1990                          | June 12, 1990               | 25                     | June 22, 1990    | Dec. 11, 1990                         | Dec. 18, 1990               | 52                     | Dec. 28, 1990        |
| June 12, 1990                         | June 19, 1990               | 26                     | June 29, 1990    | Dec. 18, 1990                         | Dec. 24, 1990               | 1                      | Jan. 4, 1991         |
| June 19, 1990                         | June 26, 1990               | 27                     | July 6, 1990     | Dec. 24, 1990                         | Dec. 31, 1990               | 2                      | Jan. 11, 1991        |

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



The Wisconsin Register is the official journal of the State of Wisconsin. It is published weekly, except on Sundays and legal holidays. The Register is published by the State of Wisconsin, Department of Administration, Bureau of the Register. The Register is published at the State Capitol, Madison, Wisconsin. The Register is published at the State Capitol, Madison, Wisconsin. The Register is published at the State Capitol, Madison, Wisconsin.

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| 20        | May 14, 1978  | 100    | 20       | 70        | Nov. 11, 1978 | 100    | 70       |
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| 22        | May 28, 1978  | 100    | 22       | 72        | Nov. 25, 1978 | 100    | 72       |
| 23        | Jun. 4, 1978  | 100    | 23       | 73        | Dec. 2, 1978  | 100    | 73       |
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| 31        | Jul. 30, 1978 | 100    | 31       | 81        |               |        |          |
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| 38        | Sep. 17, 1978 | 100    | 38       | 88        |               |        |          |
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| 40        | Oct. 1, 1978  | 100    | 40       | 90        |               |        |          |
| 41        | Oct. 8, 1978  | 100    | 41       | 91        |               |        |          |
| 42        | Oct. 15, 1978 | 100    | 42       | 92        |               |        |          |
| 43        | Oct. 22, 1978 | 100    | 43       | 93        |               |        |          |
| 44        | Oct. 29, 1978 | 100    | 44       | 94        |               |        |          |
| 45        | Nov. 5, 1978  | 100    | 45       | 95        |               |        |          |
| 46        | Nov. 12, 1978 | 100    | 46       | 96        |               |        |          |
| 47        | Nov. 19, 1978 | 100    | 47       | 97        |               |        |          |
| 48        | Nov. 26, 1978 | 100    | 48       | 98        |               |        |          |
| 49        | Dec. 3, 1978  | 100    | 49       | 99        |               |        |          |
| 50        | Dec. 10, 1978 | 100    | 50       | 100       |               |        |          |



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: State of Illinois Medical Care Assistance Plan

2) Code Citation: 80 Ill. Adm. Code 2120

3) Section Numbers:

Proposed Action:

2120.30 Amendment  
2120.310 Amendment  
2120.320 Amendment  
2120.330 Amendment  
2120.440 Amendment  
2120.510 Amendment  
2120.520 Amendment  
2120.610 Amendment

4) Statutory Authority: Implementing Sections 125 and 129(d) of the Internal Revenue Code (26 U.S.C. 125 and 129(d), Section 63b5 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 63b5), Section 30c of "AN ACT in relation to State finance" (Ill. Rev. Stat. 1989, ch. 127, par. 166c), and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 (Ill. Rev. Stat. 1989, ch. 127, pars. 523 and 529) and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 16).

5) The Purpose of These Amendments is to:

- 1) Comply with Proposed Treas. Reg. 1.125-2 (Q & A-7) which requires that medical care assistance plans exhibit the risk-shifting characteristics of insurance, and
- 2) Expand the types of expenses that can be reimbursed to the full range of expenses allowed by IRS.

6) Will This Proposed Rule Replace an Emergency Rule Currently in Effect? No

7) Does This Rulemaking Contain an Automatic Repeal Date? No

8) Does This Proposed Amendment Contain Incorporations by Reference? No

9) Are There Any Other Proposed Amendments Pending in This Part? No  
Section Numbers Proposed Action Illinois Register Citation

10) Statement of Statewide Policy Objectives: This rulemaking does not affect local governments.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in Which Interested Persons May Comment on This Proposed Rulemaking:

Interested persons should send their comments concerning these amendments in writing within 45 days to:

Keith Vangeison, Manager  
Bureau of Benefits  
Department of Central Management Services  
604 Stratton Building  
Springfield, IL 62706  
(217/785-0576)

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The text of these proposed amendments follows.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE F: EMPLOYEE BENEFITS  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 2120  
STATE OF ILLINOIS MEDICAL CARE ASSISTANCE PLAN

## SUBPART A: INTRODUCTION AND DEFINITIONS

Section  
2120.10 Summary and Purpose of Plan  
2120.20 Plan Number  
2120.30 Definitions

## SUBPART B: ADMINISTRATION

Section  
2120.110 Role of the Department  
2120.120 Expenses of Administration

## SUBPART C: PARTICIPATION

Section  
2120.210 Date of Participation  
2120.220 Insufficient Salary  
2120.230 Errors

## SUBPART D: ELECTION TO RECEIVE MEDICAL CARE ASSISTANCE

Section  
2120.310 Election Procedure  
2120.320 Irrevocability of Election  
2120.330 Maximum Medical Care Assistance  
2120.340 Minimum Medical Care Assistance

## SUBPART E: MEDICAL CARE ASSISTANCE ACCOUNTS

Section  
2120.410 Establishment of Accounts  
2120.420 Crediting of Accounts  
2120.430 Debiting of Accounts  
2120.440 Forfeiture of Accounts

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART F: PAYMENT OF MEDICAL CARE ASSISTANCE ACCOUNTS

Section  
2120.510 Claims for Reimbursement  
2120.520 Reimbursement of Participant  
2120.530 Exclusions  
2120.540 Statements

## SUBPART G: TERMINATION OF PARTICIPATION

Section  
2120.610 Termination or Death of Participant  
2120.620 Fraud

## SUBPART H: MISCELLANEOUS

Section  
2120.710 Non-discrimination  
2120.720 Illegality of a Particular Provision  
2120.730 Applicable Law  
2120.740 Effect on Pension  
2120.750 Effect on Social Security  
2120.760 Benefits Solely From General Assets  
2120.770 Nonassignability of Rights  
2120.780 Tax Consequences  
2120.790 Indemnification of State by Participants  
2120.800 Right to Amend and Terminate Reserved

AUTHORITY: Implementing Sections 105(h), 125, and 213(d) of the Internal Revenue Code (26 U.S.C. 105(h), 125, and 213(d)), Section 63b5 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 63b5), Section 30c of "AN ACT in relation to State finance" (Ill. Rev. Stat. 1989, ch. 127, par. 166c), and Sections 3 and 9 of the State Employees Group Insurance Act of 1971 (Ill. Rev. Stat. 1989, ch. 127, pars. 523 and 529) and authorized by Section 16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 16).

SOURCE: Emergency rules adopted at 12 Ill. Reg. 11810, effective July 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 17296, effective October 17, 1988; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

## SUBPART A: INTRODUCTION AND DEFINITIONS

## Section 2120.30 Definitions

- a) Wherever used in the Plan, the following terms have the following meanings and when the defined meaning is intended, the term is capitalized:

"Change in Family Status" means marriage, divorce, death of Spouse or child dependent, birth or adoption of child, commencement or termination of employment of Spouse, significant change in health coverage of the Participant or

Spouse due to the Spouse's employment, switch from full-time to part-time status of Spouse or from part-time to full-time or unpaid leave of absence of Participant or Spouse or any other events which the Department determines constitute a Change in Family Status.

"Code" means the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq. [1985]) and applicable regulations, or any successor statute.

"Compensation" for purposes of this Plan is defined under Code Section 414. It means wages, salaries and other Employee Compensation received by a Participant that is reported on the Participant's W-2 from this Employer. For purposes of discrimination testing, it may include or exclude all amounts not currently includible in the Participant's gross income.

"Department" means the Illinois Department of Central Management Services.

"Dependent" means a Participant's spouse, unmarried child, or other person as defined in the State Employees Group Insurance Act of 1971 as amended (Ill. Rev. Stat. 1987, ch. 127, par. 521 et seq.).

"Discriminatory Excess" is the excess of any "Highly Compensated Participant" over the highest permitted benefit.

"Effective Date" means any paycheck issued after July 1 of the Plan Year.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

"Eligible Employee" means any Employee working full time or not less than half-time who is eligible to participate in the Health Plan authorized by the State Employees Group Insurance Act of 1971 as amended (Ill. Rev. Stat. 1987, ch. 127, par. 521 et seq.). It includes those Employees who have lost eligibility to participate in the Health Plan because of a reduction in hours worked but chosen continuation coverage through payroll deduction as authorized by the Consolidated Omnibus Budget Reconciliation Act (COBRA) (P.L. 99-272) as long as there is no break in coverage or payroll deductions.

"Employee" means an Employee of the Employer excluding independent contractors and retirees who return to work for not longer than 75 days per year after they retire.

"Employer" means the State of Illinois, which includes all officers, boards, commissions, and agencies created by the Illinois Constitution, whether in the executive, legislative or judicial branch, all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government which are created by or pursuant to statute other than units of local government and their officers, school districts and boards of election commissioners, and all administrative units and corporate outgrowths of the above as may be created by executive order of the Governor.

"Enrollment Form" means the form provided by the Department for the purpose of filing an election and Compensation reduction agreement and for making changes authorized by the Plan.

"Highly Compensated Participant" means any Participant who was in either of the following categories at any time during the current Plan Year:

an Employee of the State or its administrative units or corporate outgrowths who has annual total Compensation greater than \$75,000 or any other amount established by the Internal Revenue Service, or

who receives Compensation in excess of \$50,000 or any other amount established by the Internal Revenue Service and is in the top 20% of all State Employee salaries.



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"Medical Care Expense" means any expense incurred by a Participant or Dependent of the Participant which was paid toward a coinsurance or deductible assessed toward a service covered under the Health Plan authorized by the State Employees Group Insurance Act of 1971 as amended (Ill. Rev. Stat. 1987, ch. 127, par. 521 et seq.) or which was paid for certain other services.

The eligible medical expenses include:

expenses incurred as a result of assessment of a deductible or coinsurance requirement on services covered by the self-insured State Quality Care Health Plan or a Health Maintenance Organization (HMO) with which the Department contracts; and

dental services not covered under the State Health Plan; and

amounts paid for annual physicals; and

amounts paid for periodic physicals, vaccinations, and immunizations for babies up to three years of age, and

expenses allowed in Code Section 213 unless otherwise provided in this Part.

Expenses that are not eligible are:

Abortions; and

~~Medical-Care-Expenses-for-Dependents-of-the-Participant-who-are-not-in-the-Health-Plan-authorized-by-the-State-Employees-Group-Insurance-Act-of-1971-as-amended-(Ill.-Rev.-Stat.-1987,-ch.-127,-par.-521-et-seq.)--and~~

Weight loss clinic fees; and

~~Non-prescribed drugs; and~~

Prepayments for medical services that will be reimbursed or refunded; and

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Premiums for health insurance coverage carried by a spouse or dependent; and

Premiums for other health coverage carried by the Participant; and

Medical Care Expenses for smoking cessation programs and any other expenses specifically disallowed by Code Section 213 or a court of law.

"Participant" means each Employee who participates in the Plan in accordance with Section 2120.210 of this Part.

"Pay Period" means a regular accounting period established by the State of Illinois for measuring and paying Compensation earned by Employees. A Pay Period may be monthly, semi-monthly or biweekly.

"Plan" means the State of Illinois Medical Care Assistance Plan as set forth in these rules, and as may be amended from time to time in compliance with the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1001 et seq.).

"Plan Year" means the 12-consecutive-month period comprising the State fiscal year.

"Reimbursement" means to pay a Participant in this Plan for Medical Care Expenses from his or her medical care assistance account.

"Spouse" means the person to whom the Participant is married. Spouse does not include a person separated from the Participant under a decree of divorce or separate maintenance.

"State Employees Group Health Plan" means the Health Plan administered by the Department as authorized in the State Employees Group Insurance Act of 1971 as amended (Ill. Rev. Stat. 1987, ch. 127, par. 521 et seq.).

"Termination" means the permanent severance of the Participant's employment relationship with the Employer as provided by the appropriate rules of the Employer.

- b) A pronoun or adjective in the masculine gender includes the feminine gender and the singular includes the plural, unless the context clearly indicates otherwise.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## SUBPART D: ELECTION TO RECEIVE MEDICAL CARE ASSISTANCE

## Section 2120.310 Election Procedure

- a) An Employee may elect to receive medical care assistance under this Plan by making an election and Compensation reduction agreement on an Enrollment Form provided by the Department.
- b) The enrollment period will be at a time to be determined by the Department prior to the beginning of the Plan Year. The enrollment period shall be sufficient to allow employees to enroll in the Plan and shall in no case be less than 30 days prior to the beginning of the Plan Year.

c) Employees must participate for a full 12-month period. Participants who terminate or revoke may prepay the contributions for the balance of the Plan Year on any of the final payrolls.

e)d) The election must be for a specified annual dollar amount evenly divisible by the number of Pay Periods in the Plan Year.

d)2) The Participant must re-enroll each year to continue participation.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2120.320 Irrevocability of Election

- a) An election to participate shall be irrevocable during the Plan Year unless a Change in Family Status has occurred.

b) A Change in Family Status including marriage, divorce, death of a spouse or child, birth or adoption of a child, termination of employment of a spouse, and such other events that the Department determines constitute a change in Family Status, will permit a change or revocation of an election during a Plan Year under the Code. To the extent consistent with the Code, this provision shall be liberally construed by the Department to maximize the benefit to the Participant.

c) Election changes must be consistent with family status changes.

e)d) The form requesting the change in the election must be filed with the Department within 60 days of the Change in Family Status.

d)2) The Department shall require documentation substantiating the Change in Family Status consisting of Group Insurance records maintained by the Department or Personnel transaction records maintained by the employing agency or other documents substantiating the claimed Change in Family Status.

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e)f) Any new election under this Section shall be effective the first Pay Period after the election form is completed and processed by the Department.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2120.330 Maximum Medical Care Assistance

- a) The maximum amount for which the Participant may be reimbursed under this Plan during the Plan Year shall not exceed \$5,000.

- b) The Pay Period maximum is the annual maximum divided by the number of pay periods in the Plan Year.

c) This-The Pay Period maximum cannot be exceeded even if there is a Change in Family Status, as provided in Section 2120.610 of this Part, or if there are circumstances requiring prepayment of the contributions for the balance of the year.

e)d) If the Department determines during the Plan Year that Highly Compensated Participants are benefiting from the Plan more than non-highly compensated Participants, the Department shall reduce the maximum deduction for the Highly Compensated Participants the minimal amount necessary to bring the Plan into compliance with the non-discrimination requirements of the Code (26 U.S.C. 125).

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: MEDICAL CARE ASSISTANCE ACCOUNTS

## Section 2120.440 Forfeiture of Accounts

- a) The amount credited to a Participant's medical care assistance account for any Plan Year shall be used:

- 1) only to reimburse the Participant for Medical Care Expenses incurred during such Plan Year, and
- 2) only if the Participant applies for Reimbursement on or before December 31 of the next Plan Year.

- b) If any balance remains in the Participant's medical care assistance account for any Plan Year after all Reimbursements hereunder, such balance shall not be carried over to reimburse the Participant for Medical Care Expenses incurred during a subsequent Plan Year, and shall not be available to the Participant in any other form or manner.



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c) Such balance shall be used to reimburse the Medical Care Assistance Plan for any reimbursements to Participants in excess of deposits that were not recovered as provided in Section 2120.610 of this Part.

e)d) Such Any remaining balance shall be+ contain all applicable Employer contributions and shall be:

1) distributed to all the next-year's Plan Participants of record as of December 31-June 30 equally as additional Compensation by the Department unless

2) such balance is less than \$5 times the number of Participants in which case the balance will be transferred to the General Revenue Fund.

e)e) Such distribution shall be before March 31 of the next following year.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: PAYMENT OF MEDICAL CARE ASSISTANCE ACCOUNTS

## Section 2120.510 Claims for Reimbursement

a) A Participant who has enrolled for a Plan Year may apply to the Department for Reimbursement of Medical Care Expenses incurred by the Participant between July 1 and June 30.

For purposes of this Part, expenses are treated as having been incurred when the Participant is provided with the medical care that gives rise to the expenses, and not when the Participant is formally billed, charged for, or pays for the medical care.

b) New Participants may apply for Reimbursement of Medical Care Expenses incurred between the first day of the Pay Period deductions begin in accordance with Section 2120.210 of this Part and June 30.

c) Participants who revoke participation in accordance with Sections 2120.220 and 2120.320 of this Part before the end of the Plan Year may apply for Reimbursement of Medical Care Expenses incurred between July 1 and the last day of the Pay Period there was a deduction.

d) Participants who terminate or revoke and choose to prepay the contributions for the balance of the Plan Year will have coverage for the entire Plan Year and may apply for Reimbursement of Medical Care Expenses incurred between July 1 and June 30.

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e)e) The Participant may apply by submitting an application in writing to the Department on a claim form provided by the Department setting forth:

1) the amount, beginning and ending service date and nature of the expense with respect to which a benefit is requested;

2) the name of the person, organization or entity to which the expense was paid; and

3) third party verification of the expense such as bills, invoices, receipts, cancelled checks or other statements showing the amounts of such expenses; and

4) a statement that the medical expense has not been reimbursed (or is not reimbursable) under any health plan coverage.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2120.520 Reimbursement of Participant

a) The Department shall reimburse the Participant from the Participant's medical care assistance account for Medical Care Expenses incurred during the Plan Year for which the Participant submits documentation in accordance with Section 2120.510 of this Part.

b) The Reimbursement schedule will be established by the Department in a manner that allows the Participant to receive Reimbursement no less than once a month.

e) No Reimbursement under this Section shall at any time exceed the balance of the Participant's medical care assistance account for the Plan Year at the time of the Reimbursement.

1) The Participant will be notified of any amount of any Medical Care Expenses not reimbursed as a result of the preceding sentence.

2) The Participant must submit a new claim to receive Reimbursement of the amount not previously reimbursed.

e)c) The Department will reimburse Participants who have filed claims in the prescribed manner:

1) at least once a month if the claim equals or exceeds \$50, and if there is enough money in the account,



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- 2) at least once the twelfth month (or the final month of an Employee's participation) regardless of the amount.

d) If a Claim for Reimbursement under this Section exceeds the balance of the Participant's medical care assistance account, the Participant will be paid the amount of the claim as long as the claim is no greater than the annual election amount less any Reimbursements paid to date.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: TERMINATION OF PARTICIPATION

## Section 2120.610 Termination or Death of Participant

- a) In the event that a Participant terminates State service or dies, the Participant's participation shall terminate.
- b) ~~The Department will pay any remaining balance to the Participant (or his or her estate) in a lump sum as additional taxable compensation.~~
- e)b) If the Participant returns to State service the same Plan Year, the Participant cannot re-enroll. The Participant can re-enroll the next Plan Year in accordance with the provisions of Section 2110.210 of this Part.
- e)c) If the Participant's employment status has changed from full time or half-time to a status that no longer allows participation in the State Employees Group Health Plan, the Participant will be considered revoked as described in Section 2120.220 unless the Participant has chosen continuation coverage as authorized by COBRA.
- e)d) If participation continues in this Plan because of COBRA-qualification, the Participant shall be considered terminated from State service at the end of the 18-month period of COBRA-coverage or whenever COBRA-qualification ceases. ~~The Department will pay the balance as described in Section 2120.610(b) above.~~

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) The Heading of the Part: CRISIS ASSISTANCE

- 2) Code Citation: 89 Ill. Adm. Code 116

- 3) Section Numbers: Proposed Action:

116.510 Amendment  
116.520 Amendment

- 4) Statutory Authority: Sections 12-8 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 12-8 and 12-13)

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds stoves and refrigerators to the list of items covered under the Emergency Assistance Program. Additionally, this rulemaking revises the criteria for authorizing stoves and refrigerators under the Hardship Program.

- 6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date?  
Yes \_\_\_\_\_ No X

- 8) Does these Proposed Amendments contain incorporations by reference? No

- 9) Are there any other Proposed Amendments pending on this Part: No

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Anita Williams, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217) 782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

- 12) Initial Regulatory Flexibility Analysis:



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- A) Date Proposed Amendments were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 21, 1990
- B) Types of small businesses affected: Appliance stores and appliance repairers.
- C) Reporting, bookkeeping or other procedures required for compliance: Appliance stores and appliance repairers must be familiar with the Department's procedures for billing, securing approval and receiving payment for the sell or repair of stoves and refrigerators.
- D) Types of professional skills necessary for compliance: No additional professional skills required.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 116  
CRISIS ASSISTANCE

Section  
116.10 Incorporation By Reference  
116.400 Crisis Assistance Programs  
116.500 Special Assistance Program  
116.510 Emergency Assistance Program  
116.520 Hardship Program

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987-1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq. and 12-13).

SOURCE: Filed and effective December 30, 1977; amended at 4 Ill. Reg. 13, p. 1287, effective March 17, 1980, amended at 5 Ill. Reg. 12722, effective October 28, 1981; codified at 7 Ill. Reg. 5195; emergency amendment at 9 Ill. Reg. 18154, effective November 15, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 11027, effective June 11, 1986; amended at 11 Ill. Reg. 6487 effective March 17, 1987; amended at 12 Ill. Reg. 14207, effective August 30, 1988; amended at 13 Ill. Reg. 3847, effective March 10, 1989; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 116.510 Emergency Assistance Program

Emergency Assistance may be provided in the following situations:

a) Lost of Stolen Cash

When as a result of lost or stolen cash, a family is deprived of food or essential clothing, the following amounts may be authorized:

- 1) Food, in amounts as specified in Section 116.500(c) and not to exceed the amount of cash which was lost or stolen.



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## Section 116.510 Emergency Assistance Program (Cont'd)

- 2) Essential clothing, as defined and in amounts as specified in Section 116.500(b) and (c) and not to exceed the amount of cash which was lost or stolen.

## b) Court Ordered Eviction Due to Non-Payment of Rent

When a family is deprived of shelter or threatened with immediate deprivation of shelter due to court order requiring eviction due to non-payment of rent, payment for rent shall, if all eligibility criteria for the Emergency Assistance Program are met, be authorized in an amount not to exceed the following maximums:

| <u>Counties</u>    | <u>Rent</u> |
|--------------------|-------------|
| Group I Counties   | \$142.00    |
| Group II Counties  | \$123.00    |
| Group III Counties | \$ 87.00    |

(See 89 Ill. Adm. Code 113.258 for County Groupings)

## c) Emergency Shelter

The Department shall reimburse private and public social service agencies with whom the Department has written agreements for emergency shelter and food provided to recipients. Reimbursement shall be made in amounts and in accordance with those agreements.

## d) Stoves and/or Refrigerators

- 1) The Department will pay for the purchase or repair of a stove and/or a refrigerator when the family has an existing non-functional appliance or is moving into a residence where one is not provided. Payment shall be authorized in an amount not to exceed the following maximums:

|                     |              |
|---------------------|--------------|
| <u>Stove</u>        | <u>\$ 90</u> |
| <u>Refrigerator</u> | <u>\$150</u> |

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## Section 116.510 Emergency Assistance Program (Cont'd)

- 2) Payment for the purchase or repair of a stove and/or refrigerator shall not be made in the following circumstances:

- A) the family lives in a dwelling owned by a Public Housing Authority (the Housing Authority has a statutory obligation to provide stoves and refrigerators);
- B) a lease, covenant, or other document exists that obligates the landlord to provide the appliance;
- C) a verification is requested and it is not provided;
- D) need does not exist;
- E) the family lives in an arrangement that is not temporary with other family members or friends who are not on Public Aid; or
- F) the assistance unit is a child-only case.

## a) Program Restriction

The recipient may only receive emergency assistance during one period of thirty (30) consecutive days in any twelve (12) consecutive months. This may include payments to meet needs which occur before or extend beyond the thirty (30) day period.

## e) Time Limits

- 1) A decision shall be made and assistance authorized within the time frames established in Section 116.500(d).
- 2) Payment shall be made to the private and public social services agencies, within time limits specified in the written agreements.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## Section 116.520 Hardship Program

## Section 116.520 Hardship Program (Cont'd)

a) When a client who is receiving financial assistance as a General Assistance (GA) family case, or as an Aid to Families With Dependent Children (AFDC) case, or as an Aid to the Aged, Blind or Disabled (AABD) case experiences a hardship resulting from needs which cannot be met from existing client resources, existing community resources, the assistance standards, Medical Assistance Program, Special Assistance Program or Emergency Assistance Program, the client may request special consideration as a hardship. Needs covered by the Hardship Program include:

## 1) Essential Food

If the client fails to use all existing community resources for food, the allowance for food will not be authorized.

## 2) Essential Clothing

A) Essential clothing is defined as those articles of clothing appropriate for the season.

B) If everyone in the assistance unit has at least one full set of clothing, appropriate to the season, this allowance for clothing will not be authorized.

## 3) Household Furnishings

Essential household furnishings are limited to the following:

A) Kitchen table - one per assistance unit;

B) Kitchen Chairs - one per person in assistance unit;

C) Beds - to ensure appropriate sleeping facilities for all members of the assistance unit.

## 4) Repair or Replacement of Stoves and Refrigerators

A) The repair or replacement of stoves is-

limited to stoves owned by the assistance unit. -- Stoves will not be repaired or replaced if 2 burners will light and are in working condition. -- Stoves will not be repaired or replaced for non-working ovens.

B) The repair or replacement of refrigerators is limited to refrigerators owned by the assistance unit. -- Repairs and replacement of the refrigerator is limited to malfunctions connected with the refrigerator compartment only. -- No repairs or replacements will be authorized for non-working freezer compartments.

C) No repair or replacement of stoves or refrigerators will be approved for clients who knowingly obtain non-working appliances for the purpose of becoming eligible for the Hardship Program.

4) Repair or Replacement of Stoves and Refrigerators When the family has an existing non-functional appliance or is moving into a residence where one is not provided or when the family is not eligible for Emergency Assistance (see Section 116.510) -- Payment for the purchase or repair of a stove or refrigerator shall not be made in the following circumstances:

A) the family lives in a dwelling owned by a Public Housing Authority (the Housing Authority has a statutory obligation to provide stoves and refrigerators);

B) a lease, covenant, or other document exists that obligates the landlord to provide the appliance;

C) need does not exist; or

D) the family lives in an arrangement that is not temporary with other family members or friends who are not on Public Aid.



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## Section 116.520 Hardship Program (Cont'd)

- 5) Repairs or Replacement of Furnaces (Homestead Property Only)
- A) No repair or replacement will be authorized when there is co-ownership of the property with an individual not in the assistance unit.
  - B) Repair or replacement of a furnace is limited to property that is not in danger of foreclosure. The assistance unit must provide verification which indicates mortgage payments and tax payments are current.
  - C) No repair or replacement of the furnace will be approved for homes which have knowingly been purchased with non-working furnaces.
  - D) Before total replacement of a furnace is considered, verification must be provided from a reputable source (i.e., recognized in the community as being in the furnace repair business) that the furnace is not repairable.
  - F) Hardship Assistance for furnace repair must be seasonally appropriate (September through May).

## 6) Non-Medical Needs Related to Essential Medical Care

Non-medical needs for essential medical care are needs associated with the provision of specialized or essential medical care and include the following:

- A) Food - when overnight lodging is required or when extensive travel is required during the day in order to obtain essential or specialized medical care.
- B) Lodging - when overnight lodging is required to obtain essential or specialized medical care.

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## Section 116.520 Hardship Program (Cont'd)

- C) Transportation to the source of essential or specialized medical care when it cannot be provided by the Medical Assistance Program or some other source. Transportation expenses for routine office visits associated with normal medical care shall not be allowed.

- D) Telephone Installation - when a telephone is essential for medical treatment.

## b) Maximum Payments

The maximum payments for essential food, clothing, and household furnishings used under the Special Assistance Program (see Section 116.500) are also used for the Hardship Program. The maximum payment amounts allowed for other items are:

- 1) Stoves - \$90
- 2) Refrigerators - \$150
- 3) Repair or Replacement of a furnace - Repair or replacement of a furnace will be based on the lowest cost estimate from a reputable source for the same or similar type heating system. No up-grading of heating systems will be approved.
- 4) Non-medical needs related to essential medical care:

- A) Food - \$9.00 a day or \$3.00 per meal.
- B) Lodging - Lodging expenses shall be approved for the least expensive rate which provides lodging that is adequate and available to meet the individual's needs. Payment will not be provided for a higher amount if it can be determined that lodging is available free of charge or at a lower rate.
- C) Transportation - when transportation cannot be provided by the Medical Assistance Program, transportation expenses shall be approved for the least expensive mode of



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## Section 116.520

## Hardship Program (Cont'd)

transportation adequate to meet the individual's needs. When transportation is by private automobile, the allowable rate shall be at ~~10¢~~ 24¢ per mile.

- D) Telephone Installation - When medically necessary, payment shall be made for the installation of one telephone, based on the service estimate provided by the local phone company. If the telephone instrument cannot be leased from the phone company, payment may also be authorized to purchase a telephone. Payments shall not be authorized for required deposits, for previously owed bills, or for on-going monthly bills once the phone has been installed.

## c) Eligibility for the Hardship Program

- 1) Eligibility for non-medical needs related to essential medical care is determined through the verification of a specialized or essential medical need. The verification of a specialized or essential medical need is provided by the client's primary care physician. Eligibility for all other needs defined under the Hardship program shall be determined by verifying the need for hardship assistance and by calculating the amount of income the family has available to meet the verified hardship need.

- 2) If the family's available income is more than the cost of the needed item, the family is not eligible for Hardship Assistance. Available income is calculated by subtracting the family's necessary living expenses from the family's total income. The family is defined as children, the children's mother, father (including step-parents), if they reside in the household.

- 3) Income from all sources is used to determine the family's total income. Total income includes, but is not limited to the following: all public assistance grants, SSA, SSI, Child Support, energy assistance checks, wages, retirement benefits, pensions, etc. No source of income is

## DEPARTMENT OF PUBLIC AID

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## Section 116.520 Hardship Program (Cont'd)

exempt from consideration when determining the family's total income.

- 4) The following expenses only are considered necessary living expenses under the Hardship Program:

- A) Shelter - rent or mortgage  
B) Necessary utilities - heat, gas, electricity, water, sewer and trash  
C) A food expense amount - determined by subtracting the family's food stamp amount from the USDA maximum for that size household (see 89 Ill. Adm. Code 121.64).

- D) An amount, based on size of the assistance unit for the purchase of household supplies. The allowable amounts are:

| Size Assistance Unit | Household Supplies |
|----------------------|--------------------|
| 1                    | \$11.00            |
| 2                    | \$14.00            |
| 3                    | \$17.00            |
| 4                    | \$17.00            |
| 5                    | \$20.00            |
| 6                    | \$20.00            |
| 7                    | \$22.00            |
| 8                    | \$22.00            |
| 9                    | \$23.00            |
| 10                   | \$24.00            |

For assistance units greater than 10, allow \$1.00 for each additional person.

- 5) When there are other people present in the household that have income but are not part of the family, expenses for shelter, utilities and food shall be prorated. When there are two or more separate assistance units in the same household, expenses should be prorated between the two assistance units.



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## Section 116.520 Hardship Program (Cont'd)

- 6) Only rent, mortgage and necessary utility expenses which have been verified as actually paid by the client shall be allowed as a living expense. The family's necessary living expenses are subtracted from the family's total income to determine the family's available income. This income is considered to be available for use by the family to meet its hardship need(s).
- 7) The family's available income is compared to the cost (the maximum payment amount) of the needed item. If the family's available income is more than the cost of the needed item, the family is not eligible for Hardship Assistance.
- 8) When more than one item is needed, the Department shall subtract the cost of the most expensive items from available income which ensures that the maximum amount of the family's available income is applied toward the cost of the needed items. The combination of items which can be purchased by the maximum use of available income will be disapproved by the Department. The remaining needed items which cannot be purchased through the use of available income shall be approved by the Department.

## d) Time Limits

- 1) A decision shall be made and assistance, if any, issued within forty-five (45) days of the date of the request for hardship assistance.
- 2) When a home visit to verify need has been attempted, seven (7) calendar days shall be allowed for the client to contact the Department and schedule a second visit. If the client fails the second attempted visit, the request for hardship assistance will be denied.
- 3) Ten (10) calendar days shall be allowed for the client to provide any additional verification, which was not available at the home visit.

## e) Program Restrictions

## DEPARTMENT OF PUBLIC AID

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## Section 116.520 Hardship Program (Cont'd)

Payment for the cost of repair or maintenance of homestead property for AFDC and GA clients shall not be allowed under this program. See 89 Ill. Adm. Code 113.307 for property repairs as a special need item for AABD clients.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number:  
140.539  
Amendment
- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This revision is adding guidelines for nurse's aide testing as mandated under OBRA. These guidelines cover the requirements for reimbursement by the Department for the nurse's aide testing. Also included is a deletion of outdated information.
- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?  
Yes ☐ No ☒
- 8) Does this Proposed Amendment contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes

| Section Numbers | Proposed Action | Illinois Register Citation            |
|-----------------|-----------------|---------------------------------------|
| 140.7           | Amendment       | April 20, 1990<br>(14 Ill. Reg. 5726) |
| 140.24          | Amendment       | April 13, 1990<br>(14 Ill. Reg. 5417) |
| 140.413         | Amendment       | March 30, 1990<br>(14 Ill. Reg. 4860) |
| 140.461         | Amendment       | April 20, 1990<br>(14 Ill. Reg. 5726) |
| 140.462         | Amendment       | April 20, 1990<br>(14 Ill. Reg. 5726) |

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## NOTICE OF PROPOSED AMENDMENT

| Section Numbers | Proposed Action | Illinois Register Citation                 |
|-----------------|-----------------|--|
| 140.463         | Amendment       | April 20, 1990<br>(14 Ill. Reg. 5726)      |
| 140.471         | Amendment       | June 8, 1990<br>(14 Ill. Reg. 8929)        |
| 140.472         | Amendment       | June 8, 1990<br>(14 Ill. Reg. 8929)        |
| 140.473         | Amendment       | June 8, 1990<br>(14 Ill. Reg. 8929)        |
| 140.474         | Amendment       | June 8, 1990<br>(14 Ill. Reg. 8929)        |
| 140.475         | Amendment       | September 29, 1989<br>(13 Ill. Reg. 15281) |
| 140.476         | Amendment       | September 29, 1989<br>(13 Ill. Reg. 15281) |
| 140.477         | Amendment       | September 29, 1989<br>(13 Ill. Reg. 15281) |
| 140.478         | Amendment       | September 29, 1989<br>(13 Ill. Reg. 15281) |
| 140.479         | Amendment       | September 29, 1989<br>(13 Ill. Reg. 15281) |
| 140.480         | Amendment       | September 29, 1989<br>(13 Ill. Reg. 15281) |
| 140.481         | Amendment       | September 29, 1989<br>(13 Ill. Reg. 15281) |
| 140.528         | Amendment       | May 11, 1990<br>(14 Ill. Reg. 7027)        |
| 140.542         | Amendment       | March 23, 1990<br>(14 Ill. Reg. 4415)      |
| 140.543         | Amendment       | March 23, 1990<br>(14 Ill. Reg. 4415)      |



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| Section Numbers | Proposed Action | Illinois Register Citation            |
|-----------------|-----------------|---------------------------------------|
| 140.545         | Amendment       | March 23, 1990<br>(14 Ill. Reg. 4415) |
| 140.569         | Amendment       | May 25, 1990<br>(14 Ill. Reg. 7834)   |
| 140.642         | Amendment       | March 2, 1990<br>(14 Ill. Reg. 3019)  |
| 140.646         | Amendment       | March 23, 1990<br>(14 Ill. Reg. 4415) |
| 140.647         | Amendment       | March 23, 1990<br>(14 Ill. Reg. 4415) |
| 140.648         | Amendment       | March 23, 1990<br>(14 Ill. Reg. 4415) |
| 140.649         | Amendment       | March 23, 1990<br>(14 Ill. Reg. 4415) |
| 140.650         | Amendment       | March 23, 1990<br>(14 Ill. Reg. 4415) |
| 140.652         | Amendment       | March 23, 1990<br>(14 Ill. Reg. 4415) |
| 140. Table H    | Amendment       | March 2, 1990<br>(14 Ill. Reg. 3019)  |

10) Statement of Statewide Policy Objectives (Ill. Rev. Stat. 1987, ch. 85, par. 2205): This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Dan Leikvold, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217) 782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 25, 1990
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.
- D) Types of professional skills necessary for compliance: No new skills required.

The full text of the Proposed Amendment begins on the next page:



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

Section  
140.1  
140.2  
140.3

Incorporation By Reference  
Medical Assistance Programs  
Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy

140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)

140.5 Covered Medical Services Under GA and AMI  
140.6 Medical Services Not Covered  
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Six

140.8 Medical Assistance For Qualified Severely Impaired Individuals

140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
140.10 Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section  
140.11  
140.12  
140.13  
140.14

Enrollment Conditions for Medical Providers  
Participation Requirements for Medical Providers  
Definitions  
Denial of Application to Participate in the Medical Assistance Program  
Recovery of Money  
Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program  
Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

140.15  
140.16  
140.17

## DEPARTMENT OF PUBLIC AID

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Section  
140.18

Effect of Termination on Individuals Associated with Vendor

140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring Submittal of Claims  
140.20 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

140.21 Magnetic Tape Billings  
140.22 Payment of Claims  
140.23 Payment Procedures  
140.24 Overpayment or Underpayment of Claims  
140.25 Payment to Factors Prohibited  
140.26 Assignment of Vendor Payments  
140.27 Record Requirements for Medical Providers  
140.28 Audits  
140.30 False Reporting and Other Fraudulent Activities  
140.35 Prior Approval for Medical Services or Items  
140.40 Prior Approval in Cases of Emergency  
140.41 Limitation on Prior Approval  
140.42 Post Approval for items or Services When Prior Approval Cannot Be Obtained  
140.43 Drug Manual (Recodified)  
140.71 Drug Manual (Recodified)  
140.72 Drug Manual (Recodified)  
140.73 Drug Manual Updates (Recodified)

## SUBPART C: HOSPITAL SERVICES

Section  
140.94

Hospital Services (Recodified)  
140.95 Participation (Recodified)  
140.96 General Requirements (Recodified)  
140.97 Special Requirements (Recodified)  
140.98 Covered Hospital Services (Recodified)  
140.99 Hospital Services Not Covered (Recodified)  
140.100 Limitation On Hospital Services (Recodified)  
140.101 Transplants (Recodified)  
140.102 Heart Transplants (Recodified)  
140.103 Liver Transplants (Recodified)  
140.104 Bone Marrow Transplants (Recodified)  
140.110 Disproportionate Share Hospital Adjustments (Recodified)

140.116 Payment for Inpatient Services for GA (Recodified)  
140.117 Hospital Outpatient and Clinic Services (Recodified)  
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)  
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)



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| 140.202 | Payment for Hospital Services During Fiscal Year 1983 (Recodified)                                       |
| 140.203 | Limits on Length of Stay by Diagnosis (Recodified)   |
| 140.300 | Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified) |
| 140.350 | Copayments (Recodified)  |
| 140.360 | Payment Methodology (Recodified)   |
| 140.361 | Non-Participating Hospitals (Recodified)   |
| 140.362 | Pre July 1, 1989 Services (Recodified)   |
| 140.363 | Post June 30, 1989 Services (Recodified)   |
| 140.364 | Prepayment Review (Recodified)   |
| 140.365 | Base Year Costs (Recodified)   |
| 140.366 | Restructuring Adjustment (Recodified)  |
| 140.367 | Inflation Adjustment (Recodified)  |
| 140.368 | Volume Adjustment (Repealed)   |
| 140.369 | Groupings (Recodified)   |
| 140.370 | Rate Calculation (Recodified)  |
| 140.371 | Payment (Recodified)   |
| 140.372 | Review Procedure (Recodified)  |
| 140.373 | Utilization (Repealed)   |
| 140.374 | Alternatives (Recodified)  |
| 140.375 | Exemptions (Recodified)  |
| 140.376 | Utilization, Case-Mix and Discretionary Funds (Repealed)   |
| 140.390 | Subacute Alcoholism and Substance Abuse Services (Recodified)  |
| 140.391 | Definitions (Recodified)   |
| 140.392 | Types of Subacute Alcoholism and Substance Abuse Services (Recodified)                                   |
| 140.394 | Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)                                |
| 140.396 | Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)                           |
| 140.398 | Hearings (Recodified)  |

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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| 140.400 | Payment to Practitioners, Nurses and Laboratories                            |
| 140.410 | Physicians' Services   |
| 140.411 | Covered Services By Physicians   |
| 140.412 | Services Not Covered By Physicians   |
| 140.413 | Limitation on Physician Services   |
| 140.414 | Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians |
| 140.416 | Optometric Services and Materials  |

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| 140.418 | Department of Corrections Laboratory   |
| 140.420 | Dental Services  |
| 140.421 | Limitations on Dental Services   |
| 140.422 | Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists |
| 140.425 | Podiatry Services  |
| 140.426 | Limitations on Podiatry Services   |
| 140.427 | Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry        |
| 140.428 | Chiropractic Services  |
| 140.429 | Limitations on Chiropractic Services (Repealed)                                  |
| 140.430 | Independent Laboratory Services  |
| 140.431 | Services Not Covered by Independent Laboratory                                   |
| 140.432 | Limitations on Independent Laboratory Services                                   |
| 140.433 | Payment for Laboratory Services  |
| 140.434 | Record Requirements for Independent Laboratories                                 |
| 140.435 | Nurse Services   |
| 140.436 | Limitations on Nurse Services  |
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| 140.441 | Pharmacy Services Not Covered  |
| 140.442 | Prior Approval of Prescriptions  |
| 140.443 | Filling of Prescriptions   |
| 140.444 | Compounded Prescriptions   |
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| 140.454 | Types of Mental Health Clinic Services   |
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| 140.469 | Hospice  |
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| 140.471 | Home Health Covered Services   |
| 140.472 | Types of Home Health Services  |



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140.473 Prior Approval for Home Health Services  
140.474 Payment for Home Health Services  
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140.476 Medical Equipment, Supplies and Prosthetic Devices  
for Which Payment Will Not Be Made  
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140.482 Family Planning Services  
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SUBPART E: GROUP CARE

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140.502 Cessation of Payment at Federal Direction  
140.503 Cessation of Payment for Improper Level of Care  
140.504 Cessation of Payment Because of Termination of  
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140.505 Continuation of Payment Because of Threat To Life  
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140.507 Continuation of Provider Agreement  
140.510 Determination of Need for Group Care  
140.511 Services Provided Without Charge  
140.512 Utilization Control  
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140.514 Certifications and Recertifications of Care  
140.515 Management of Recipient Funds--Personal Allowance  
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140.519 Use or Accumulation of Funds  
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140.521 Room and Board Accounts  
140.522 Reconciliation of Recipient Funds  
140.523 Bed Reserves  
140.524 Cessation of Payment Due to Loss of License  
140.525 Eligibility For Quality Incentive Program (QUIP)  
140.526 Quality Incentive Standards and Criteria for the  
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140.527 Quality Incentive Survey  
140.528 Payment of Quality Incentive  
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140.531 General Service Costs  
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140.534 Ownership Costs  
140.535 Costs for Interest, Taxes and Rent  
140.536 Organization and Pre-Operating Costs  
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140.550 Update of Operating Costs  
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140.552 Nursing and Program Costs  
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140.574 Capital Costs for Rented Facilities  
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140.577 Capital Costs for Rented Facilities (Renumbered)  
140.578 Property Taxes  
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140.579 Mandated Capital Improvements  
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140.855 Evaluation Of Need For Care (Recodified)  
140.860 Payment (Recodified)  
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140.875 Intermediate Care (ICF/MR) (Recodified)  
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140.885 Statewide Rates (Recodified)  
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140.895 Night Shift Reimbursement (Recodified)  
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140.901 Functional Areas of Needs (Recodified)  
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140.948 Negotiation Procedures (Recodified)  
140.950 Factors Considered in Awarding ICARE Contracts  
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140.952 Closing an ICARE Area (Recodified)  
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140.956 Payments to Contracting Hospitals (Recodified)  
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140.960 Inpatient Hospital Care or Services by  
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140.962 Payment to Hospitals for Inpatient Services or Care  
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill.

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Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 23215, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum



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of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069,

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effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. 10062, effective June 12, 1990; amended at 14 Ill. Reg. \_\_\_\_\_, effective June 19, 1990; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 140.539 Nurse's Aide Training and Testing

## a) Nurse's Aide Training

- at 1) Nursing Homes shall be reimbursed for the reasonable costs of nurse's aide training. Upon the aide's successful completion of a course which has been approved by the Department of Public Health, the nursing home may claim reimbursement for the following costs, provided that they are actually incurred:



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Section 140.539 Nurse's Aide Training and Testing (Cont'd.)

costs for those who do not successfully complete the course.

3) The Department will reimburse for actual approved hours up to 130 hours.

- d) Nursing homes shall also receive an additional factor of 5% of the total claim to recognize The Department shall reimburse on a pro rata basis according to the percentage of Public Aid patients in the Nursing Home.
- e)

b) Nurse's Aide Testing

1) Nursing homes shall be reimbursed for the reasonable costs for Nurse's Aide Testing. Only tests approved by the Department of Public Health are reimbursable. The nursing home may claim reimbursement for the cost of each approved competency test successfully completed with a passing grade.

2) Payment will not be made under this rule for costs incurred in administering tests not approved by the Department of Public Health, or for any additional tests administered by the nursing home during or subsequent to nurse's aide training.

3) Payment will be made for all competency tests successfully completed with a passing grade after October 1, 1989.

4) The maximum reimbursable cost per competency test successfully completed with a passing grade is \$50.00. The Department will reimburse on a pro rata basis according to the percentage of Public Aid patients in the nursing home. The Department will not pay any other costs associated with the testing process.

5) Written proof (Individual Test Results) must be submitted by the nursing home for each competency test for which reimbursement is claimed.

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Section 140.539 Nurse's Aide Training and Testing (Cont'd.)

1) A) tuition, up to the prevailing community college rate in the health service area for a six credit hour course;

2) B) instructional materials, up to \$12.00;

3) C) salary and fringe benefits, (fringe benefits are payroll taxes, unemployment insurance and worker's compensation and health insurance and meals if provided) up to the prevailing entry level for the health service area.

b) 2) Payment will not be made under this rule for salary expenses during the clinical training if the clinical training is in the facility of employment. These staffing and salary costs are included under the regular cost related reimbursement system as reported on the facilities' annual cost reports and are reimbursed through the monthly payments to the facilities.

e) The number of training hours for which the Department will reimburse is as follows:

1) Until July 1, 1981:

A) If the course was approved prior to July 1, 1980, the Department will reimburse for the total number of hours approved by the Department of Public Health up to a maximum of 200 hours.

B) If the course was approved after July 1, 1980, the Department will reimburse for actual approved hours up to 130 hours.

2) After July 1, 1981:

The Department will reimburse for actual approved hours up to 130 hours.



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Section 140.539 Nurse's Aide Training and Testing (Cont'd.)

- 6) No payment will be made for any competency test in which a failing grade is received for any part of the test. A nurse's aide must pass both the demonstration of manual skills and written portions of the test before reimbursement may be claimed.
- 7) Nursing homes shall receive an additional factor of 5% of the total claim to recognize costs for those who do not successfully pass the test.

(Source: Amended at 14 Ill. Reg. , effective )

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1) Heading of the Part:

Central Complaint Registry

2) Code Citation:

77 Ill. Adm. Code 400

3) Section Numbers:

400.100  
400.110  
400.120  
400.130

Proposed Action:

New Section  
New Section  
New Section  
New Section

4) Statutory Authority:

The Abused and Neglected Long Term Care Facility Residents Reporting Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 4161 et seq., as amended by Public Act 86-1013, effective January 3, 1990) and the Nursing Home Care Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 4151-101 et seq., as amended by P.A. 86-1013, effective January 3, 1990).

5) A Complete Description of the Subjects and Issues Involved:

The Department of Public Health is proposing these rules to implement Public Act 86-1013 (effective January 3, 1990), which amended the Abused and Neglected Long Term Care Facility Residents Reporting Act (the Act) to require the Department to adopt rules setting forth standards and procedures for the operation of the Central Complaint Registry. The proposed rules set forth definitions and establish general requirements for the operation of the Central Complaint Registry; list the procedures that must be followed in filing a complaint; establish criteria to be used in determining whether abuse or neglect of a resident (as defined in the Act) has occurred; and list the information that must be provided to the Department in order to withdraw a complaint.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates that this proposed rulemaking will become effective approximately six to nine months from the date of publication as proposed in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒



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7) Does this Rulemaking Contain an Automatic Repeal Date? Yes \_\_\_ No X

If "yes," please specify the date: \_\_\_\_\_

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes \_\_\_ No X

If "yes," please specify type: 6.02(a) \_\_\_ or 6.02(b) \_\_\_

9) Are there any other Proposed Amendments Pending on this Part?

Yes \_\_\_ No X

If Yes:

| Section Numbers | Proposed Action | Ill. Reg. Citation |
|-----------------|-----------------|--------------------|
|-----------------|-----------------|--------------------|

10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

June 25, 1990

B) Type of Small Businesses Affected:

Long Term Care Facilities

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Employees of long-term care facilities will be required to file complaints and report instances of suspected abuse or neglect in the manner prescribed in the proposed rules.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Rules begins on the next page:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 400  
CENTRAL COMPLAINT REGISTRY

|         |                      |
|---------|----------------------|
| Section | Definitions          |
| 400.100 | General Requirements |
| 400.110 | Complaint            |
| 400.120 | Complaint Withdrawal |
| 400.130 |                      |

AUTHORITY: Implementing and authorized by the Abused and Neglected Long Term Care Facility Residents Reporting Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 4161 et seq. as amended by P.A. 86-1013, effective January 3, 1990), and the Nursing Home Care Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 4151-101 et seq. as amended by P.A. 86-1013, effective January 3, 1990).

SOURCE: Adopted at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Italics and capitalization denote statutory language.

## Section 400.100 Definitions

"ABUSE" MEANS ANY PHYSICAL INJURY, SEXUAL ABUSE OR MENTAL INJURY INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS.  
(Section 3(d) of the Act)

"Act" means The Abused and Neglected Long Term Care Facility Residents Reporting Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 4161 et seq. as amended by Public Act 86-1013, effective January 3, 1990.)

"Complaint" means any call describing a problem with the care and treatment of a resident or with the general quality of care in a long-term care facility licensed by the Department that violates the requirements of 77 Ill. Adm. Code 300, 330, 350, 370, or 390. A complaint may be submitted by means of a telephone call, letter, or office visit.

"Department" means the Illinois Department of Public Health.

"Immediate" or "Immediately" means within twenty-four hours.

"LONG TERM CARE FACILITY" means THE SAME MEANING AS IN THE NURSING HOME CARE ACT (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 4151-101 et seq. as amended by P.A. 86-1013) EXCEPT THAT THE TERM SHALL INCLUDE ANY MENTAL HEALTH FACILITY OR DEVELOPMENTAL DISABILITY FACILITY AS DEFINED IN THE MENTAL HEALTH AND DEVELOPMENTAL

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DISABILITIES CODE (Ill. Rev. Stat. 1989, ch. 91 1/2, pars. 1-100 et seq.). (Section 3(c) of the Act)

"NEGLECT" MEANS A FAILURE IN A LONG TERM CARE FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION.  
(Section 3(e) of the Act)

"RESIDENT" MEANS A PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A LONG TERM CARE FACILITY, OR RESIDING IN A MENTAL HEALTH FACILITY OR DEVELOPMENTAL DISABILITY FACILITY AS DEFINED IN THE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE. (Section 3(b) of the Act)

## Section 400.110 General Requirements

a) THERE SHALL BE A CENTRAL REGISTER OF ALL CASES OF SUSPECTED LONG TERM CARE FACILITY RESIDENT ABUSE OR NEGLECT REPORTED AND MAINTAINED BY THE DEPARTMENT UNDER THE ABUSED AND NEGLECTED LONG TERM CARE FACILITY RESIDENTS REPORTING ACT. THROUGH THE RECORDING OF INITIAL, PRELIMINARY, PROGRESS, AND FINAL REPORTS, THE CENTRAL REGISTER SHALL BE OPERATED IN SUCH A MANNER AS TO ENABLE THE DEPARTMENT TO:

- 1) IMMEDIATELY IDENTIFY AND LOCATE PRIOR REPORTS OR CASES OF ABUSE OR NEGLECT;
- 2) CONTINUOUSLY MONITOR THE CURRENT STATUS OF ALL CASES OF ABUSE OR NEGLECT BEING PROVIDED SERVICES UNDER THE ACT; AND
- 3) REGULARLY EVALUATE THE EFFECTIVENESS OF EXISTING LAWS AND PROGRAMS THROUGH THE DEVELOPMENT AND ANALYSIS OF STATISTICAL AND OTHER INFORMATION. (Section 14 of the Act)

b) THERE SHALL BE A SINGLE STATEWIDE, TOLL-FREE TELEPHONE NUMBER ESTABLISHED AND MAINTAINED BY THE DEPARTMENT WHICH ALL PERSONS, WHETHER OR NOT MANDATED BY LAW, MAY USE TO REPORT SUSPECTED LONG TERM CARE FACILITY RESIDENT ABUSE OR NEGLECT AT ANY HOUR OF THE DAY OR NIGHT, ON ANY DAY OF THE WEEK. ANY OTHER PERSON MAY USE THE STATEWIDE NUMBER TO OBTAIN ASSISTANCE OR INFORMATION CONCERNING THE HANDLING OF LONG TERM CARE FACILITY RESIDENT ABUSE AND NEGLECT CASES. (Section 13 of the Act). The Central Complaint Registry operates a toll-free statewide telephone line, twenty-four hours a day. Calls are received Monday through Friday, 8:00 a.m. to 5:30 p.m., at the Department's offices at 525 W. Jefferson, Springfield, Illinois 62761. Coverage of the Central Complaint Registry continues after 5:30 p.m. and weekends and holidays by Central Complaint Registry staff, who are contacted at private telephones by an answering service using pagers.



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## Section 400.120 Complaint

a) All complaint investigations shall be initiated within 30 days. THE DEPARTMENT SHALL INITIATE AN INVESTIGATION OF EACH REPORT OF RESIDENT ABUSE AND NEGLECT, WHETHER ORAL OR WRITTEN, AS PROVIDED FOR IN SECTION 3-702 OF THE NURSING HOME CARE ACT, EXCEPT THAT REPORTS OF ABUSE OR neglect WHICH INDICATE THAT A RESIDENT'S LIFE OR SAFETY IS IN IMMINENT DANGER SHALL BE INVESTIGATED WITHIN 24 HOURS OF SUCH REPORT. (Section 6 of the Act)

## b) Abuse or Neglect

All persons required by Section 4 of the Act, including facility employees, shall notify the Central Complaint Registry when abuse or neglect of a resident is suspected. Criteria to be used in determining whether abuse or neglect is suspected include, but are not limited to:

- 1) Direct observation of abuse or neglect, such as:
  - A) Physical abuse, which may include but is not limited to hitting, kicking, pinching, choking, shoving, pushing, biting, slapping, punching, striking with an object, burning, or cutting of a resident by an employee;
  - B) Sexual abuse, which may include but is not limited to any sexual penetration or sexual conduct;
  - C) Verbal or psychological abuse, which may include but is not limited to the use of words, signs, or gestures by an employee to intimidate, demean, curse, harass, cause emotional anguish or distress, ridicule, or threaten harm to the resident, or words, signs or gestures or actions that the employee knows for that particular resident will or are likely to precipitate maladaptive or regressive behavior by that resident;
  - D) Neglect, which may include but is not limited to:
    - 1) Any failure to carry out required clinical or habilitation services as directed or ordered by a physician or other authorized personnel;
    - 11) The failure to provide for the resident's personal hygiene needs or the withholding of food, fluids, clothing, or prosthetic devices or other personal care items that the resident regularly uses unless clinically appropriate or ordered by a physician or

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other authorized personnel and documented in the resident's record;

iii) The failure to provide or ensure medical attention to and reporting of physical injuries to a resident or residents.

2) Evidence of abuse or neglect, such as unexplained cuts, bruises, scratches, finger marks, broken bones, bleeding, or burns.

## c) Emergency Situations

When the allegations are of an emergency nature, the Department will evaluate the facts and determine an investigation schedule pursuant to Section 3-702 of the Nursing Home Care Act. Examples of emergency situations include, but are not limited to:

- 1) Hazardous environmental conditions, such as heating and cooling problems, fire safety issues, and chemical fumes;
- 2) Missing persons;
- 3) Life-threatening communicable diseases, such as hepatitis, influenza, and symptoms of food-borne illness;
- 4) Threats of suicide.
- d) The caller will be interviewed to assess the nature of the call and to determine whether the caller wishes to file a formal complaint. The Department will determine whether the facility in question is licensed by the Department and confirm the name and address of the facility. Specific information concerning the allegations will be requested by questions, including but not limited to the following:
  - 1) Date and time or shift of the incident;
  - 2) Name(s) and location of the resident(s), staff, family and visitors involved;
  - 3) Relationship of the caller to the resident or facility;
  - 4) Condition and status of the resident;
  - 5) Details of the situation.
- e) The caller will be questioned concerning whether he wishes to provide his name. The Department will respect the confidentiality of the caller.



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- f) Because of the confidentiality of complaints, information concerning complaints will be provided only upon written request pursuant to the Freedom of Information Act (Ill. Rev. Stat. 1989, ch. 116, pars. 201 et seq.).
- g) Information about the complaint, including date and time of complaint, caller's name, name and license number of the facility and the specific allegations registered, is maintained by the Department.
- h) The complaint report is prepared using the information gathered from the interview.

## Section 400.130 Complaint Withdrawal

A request to withdraw a complaint may be made to the Central Complaint Registry in writing. The original caller or agency must make the request.

- a) The name, address, telephone number and relationship of the caller will be verified.
- b) The identity of the reported facility will be determined, as well as the date and approximate time of the call.
- c) All residents involved and the allegations made will be identified.
- d) The reason for the request to withdraw the complaint will be requested.

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1) Heading of the Part:

Head and Spinal Cord Injury Code

2) Code Citation:

77 Ill. Adm. Code 550

3) Section Numbers:

550.100  
550.110  
550.120  
550.130

Proposed Action:

New Section  
New Section  
New Section  
New Section

4) Statutory Authority:

"AN Act in relation to certain injuries" (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7851 et seq.) and Section 55.39 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 55-39).

5) A Complete Description of the Subjects and Issues Involved:

The Department of Public Health is proposing these rules to implement Public Act 86-510, effective January 1, 1990, which requires the Department to "establish and maintain an information registry and reporting system for the purpose of data collection and needs assessment of head and spinal cord injured persons in this State." The Act also requires that reports of head and spinal cord injuries be filed with the Department by a hospital administrator or designee within 30 days of identification, and requires the Department to provide reporting forms and the manner in which the information is to be reported.

Reporting Requirements: The Department plans to use a computerized reporting system similar to that used for the Trauma Registry under the Illinois Trauma Center Code (77 Ill. Adm. Code 540) and to use the same software for both reporting systems. Hospitals that do not have the computer equipment will make reports manually. The proposed rules list the information that must be provided on each patient seen in an emergency department or admitted to a hospital, who is diagnosed as head or spinal cord injured. In accordance with the requirements of Public Act 86-510, reports must be filed within 30 days of identification of head or spinal cord injuries.

Confidentiality: Public Act 86-510 requires that reports of head or spinal cord injury be confidential. Information may be made available only to departmental staff; persons engaged in research projects, under specified conditions; and the Advisory Council on Spinal Cord and Head



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Injuries, under specified conditions. The identity of a patient, physician, or hospital may not be revealed without their written consent.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates that this proposed rulemaking will become effective approximately six to nine months from the date of publication as proposed in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes     No   X  

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes     No   X  

If "yes," please specify the date:                     

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes   X   No    

If "yes," please specify type: 6.02(a)   X   or 6.02(b)    

9) Are there any other Proposed Amendments Pending on this Part?

Yes     No   X  

If Yes:

| Section Numbers | Proposed Action | Ill. Reg. Citation |
|-----------------|-----------------|--------------------|
|-----------------|-----------------|--------------------|

10) Statement of Statewide Policy Objectives:

This rulemaking will affect hospitals that are owned by units of local government. The reporting procedure is required by Public Act 86-510.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

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These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

June 25, 1990

B) Type of Small Businesses Affected:

Hospitals.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Computerized or manual reporting procedure for information listed in the rules.

D) Types of Professional Skills Necessary for Compliance:

Computer operation.

The full text of the Proposed Rules begins on the next page:



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## NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH  
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
 SUBCHAPTER F: EMERGENCY MEDICAL SERVICES AND HIGHWAY SAFETY

PART 550  
 HEAD AND SPINAL CORD INJURY CODE

Section  
 550.100 Definitions  
 550.110 Incorporated Materials  
 550.120 Reporting Requirements  
 550.130 Confidentiality

AUTHORITY: Implementing "AN ACT in relation to certain injuries" Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7851 et seq.) and authorized by Section 55.39 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 55.39).

SOURCE: Adopted at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: Capitalization denotes statutory language.

## Section 550.100 Definitions

The definitions listed in this section apply to this Part.

"Act" means "AN ACT in relation to certain injuries" (Public Act 86-510, effective January 1, 1990 to be codified at Ill. Rev. Stat., ch. 111 1/2, par. 7851 et seq.).

"COUNCIL" MEANS THE ADVISORY COUNCIL ON SPINAL CORD AND HEAD INJURIES, created within the Department of Rehabilitation Services pursuant to Section 6 of the Act. (Section 1 of the Act)

"DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH. (Section 1 of the Act)

"HEAD INJURY" MEANS A SUDDEN INSULT OR DAMAGE TO THE BRAIN OR ITS COVERINGS, NOT OF A DEGENERATIVE NATURE, WHICH PRODUCES AN ALTERED STATE OF CONSCIOUSNESS OR TEMPORARILY OR PERMANENTLY IMPAIRS MENTAL, COGNITIVE, BEHAVIORAL OR PHYSICAL FUNCTIONING. CEREBRAL VASCULAR ACCIDENTS, ANEURYSMS AND CONGENITAL DEFICITS ARE EXCLUDED FROM THIS DEFINITION. (Section 1 of the Act.)

"Hospital" has the meaning ascribed to that term in the Hospital Licensing Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 142 et seq.).

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"SPINAL CORD INJURY" MEANS AN INJURY THAT OCCURS AS A RESULT OF TRAUMA, WHICH INVOLVES SPINAL VERTEBRATE FRACTURE, OR WHERE THE INJURED PERSON SUFFERS ANY OF THE FOLLOWING EFFECTS: EFFECTS ON THE SENSORY SYSTEM INCLUDING NUMBNESS, TINGLING OR LOSS OF SENSATION IN THE BODY OR IN ONE OR MORE EXTREMITIES; EFFECTS ON THE MOTOR SYSTEM INCLUDING WEAKNESS OR PARALYSIS IN ONE OR MORE EXTREMITIES; OR EFFECTS ON THE VISCERAL SYSTEM INCLUDING BOWEL OR BLADDER DYSFUNCTION OR HYPOTENSION. (Section 1 of the Act)

## Section 550.110 Incorporated Materials

The following are standards incorporated or referenced in this Part:

## a) Codes and Standards

1) Glasgow Coma Scale  
 Champion HR, Sacco WJ, Camazzo AJ et al:  
 CritCare Med 9(9):672-676, 1981  
 (See 77 Ill. Adm. Code 540.90)

2) Revised Trauma Score  
 American College of Surgeons  
 55 East Erie St.  
 Chicago, Illinois 60611  
 (See 77 Ill. Adm. Code 540.90)

3) Abbreviated Injury Scale (1985)  
 American Association of Automotive Medicine  
 Arlington Heights, Illinois 60005

4) Injury Severity Scale  
 Baker SP, O'Neil B, Hadon W, et al:  
 Journal of Trauma 1974; 14:187-196

5) International Classification of Diseases, 9th  
 Revision, Clinical Modification (ICD-9-CM)  
 Alphabetic Index to External Causes of Injury  
 (E-Codes) Second Printing 1980  
 Commission on Professional and Hospital Activities  
 1968 Green Road  
 Ann Arbor, Michigan 48105

## b) State of Illinois Statutes

1) Hospital Licensing Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 142 et seq.);

2) "AN ACT in relation to certain injuries" (P.A. 86-510, effective



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## NOTICE OF PROPOSED RULES

January 1, 1990 to be codified at Ill. Rev. Stat., ch. 111 1/2, par. 7851 et seq.).

- c) All incorporations by reference of the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.

## Section 550.120 Reporting Requirements

- a) THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN AN INFORMATION REGISTRY AND REPORTING SYSTEM FOR THE PURPOSE OF DATA COLLECTION AND NEEDS ASSESSMENT OF HEAD AND SPINAL CORD INJURED PERSONS IN THIS STATE. (Section 2 of the Act)

- b) Each hospital should have available for use a Microsoft Disc Operating System (MS-DOS), IBM compatible microcomputer with a hard disk (minimal capacity of 10 megabytes), and a 2400 Baud Hayes-compatible modem. The Department shall provide Trauma Registry software for use by the facility. This software should be used for collection of data on head and spinal cord injuries.

- c) All hospitals shall provide the following information on each patient diagnosed as a head or spinal cord injured patient that is seen in the emergency department or admitted to the hospital:

- 1) Patient name;
- 2) Date of birth;
- 3) Sex;
- 4) Race;
- 5) Social Security Number;
- 6) Home Zip Code;
- 7) Location of geographical sites where injury occurred;
- 8) Type of site where injury occurred (i.e., home, school, road, etc.);
- 9) Mechanism of injury (International Classification of Disease (ICD) 9 E codes - 4 digits);
- 10) Initial Trauma Triage score (such as the Glasgow Coma Scale, or the Trauma Score may be utilized);
- 11) 6 digit ambulance license number of transporting vehicle;
- 12) Pre-hospital treatment;
- 13) Trauma triage score upon arrival to hospital;
- 14) Treatment prior to surgery;
- 15) Times of:
  - A) injury,
  - B) start of pre-hospital treatment;
  - C) arrival in Emergency Department, and
  - D) start of surgery;

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- 16) Trauma score prior to transfer;
- 17) Method and reason for transfer;
- 18) Trauma score upon arrival at the next level of care;
- 19) Treatment prior to surgery/transfer;
- 20) Surgical procedures;
- 21) Complications;
- 22) Other surgical procedures;
- 23) Abbreviated Injury Score for each injury (current Abbreviated Injury Score of the American Association of Automotive Medicine);
- 24) Injury Severity Score (range from 1 to 75)(I.S.S.);
- 25) Total hospital stay (subdivided into ICV and non-ICV);
- 26) Patient outcome;
- 27) ICD 9 N code for nature of illness;
- 28) Method of payment used by patient;
- 29) Total cost of care provided;
- 30) Total unreimbursed care provided;
- 31) Date of injury; and
- 32) Date injury was identified.

- d) REPORTS OF HEAD AND SPINAL CORD INJURIES SHALL BE FILED WITH THE DEPARTMENT BY A HOSPITAL ADMINISTRATOR OR HIS DESIGNEE WITHIN 30 DAYS OF IDENTIFICATION (Section 2 of the Act). Reportable head and spinal cord injuries include the following ICD-9 Codes:

- 1) 800 Fracture of vault of skull;
- 2) 801 Fracture of base of skull;
- 3) 802 Fracture of face bones;
- 4) 803 Other and unqualified skull fractures;
- 5) 804 Multiple fractures involving skull or face with other bones;
- 6) 805 Fracture of vertebral column without mention of spinal cord lesion;
- 7) 806 Fracture of vertebral column with spinal cord lesion;
- 8) 839 Other, multiple and ill-defined dislocations;
- 9) 846 Sprains and strains of sacroiliac region;
- 10) 847 Sprains and strains of other and unspecified parts of back;
- 11) 850 Concussion;
- 12) 851 Cerebral laceration and contusion;
- 13) 852 Subarachnoid, subdural and extradural hemorrhage, following injury;
- 14) 853 Other and unspecified intracranial hemorrhage following injury;
- 15) 854 Intracranial injury of other and unspecified nature;
- 16) 905 Late effects of musculoskeletal and connective tissue injuries;
- 17) 907 Late effects of injuries to the nervous system;
- 18) 920 Contusion of face, scalp, and neck except eye(s);



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- 19) 922 Contusion of trunk;
- 20) 925 Crushing injury of face, scalp, and neck;
- 21) 926 Crushing injury of trunk;
- 22) 951 Injury to other cranial nerves;
- 23) 952 Spinal cord lesion without evidence of spinal bone injury;
- 24) 953 Injury to nerve roots and spinal plexus;
- 25) 954 Injury to other nerve(s) of trunk excluding shoulder and pelvic girdles;
- 26) 957 Injury to other and unspecified nerves; and
- 27) 959 Injury, other and unspecified.

## Section 550.130 Confidentiality

- a) ALL REPORTS AND RECORDS MADE PURSUANT TO THE ACT AND MAINTAINED BY THE DEPARTMENT AND OTHER APPROPRIATE PERSONS, OFFICIALS AND INSTITUTIONS PURSUANT TO THE ACT SHALL BE CONFIDENTIAL. INFORMATION SHALL NOT BE MADE AVAILABLE TO ANY INDIVIDUAL OR INSTITUTION EXCEPT TO:

- 1) APPROPRIATE STAFF OF THE DEPARTMENT;
- 2) ANY PERSON ENGAGED IN A BONA FIDE RESEARCH PROJECT, WITH THE PERMISSION OF THE DIRECTOR OF PUBLIC HEALTH, EXCEPT THAT NO INFORMATION IDENTIFYING THE SUBJECTS OF THE REPORTS OR THE REPORTERS SHALL BE MADE AVAILABLE TO RESEARCHERS UNLESS THE DEPARTMENT REQUESTS AND RECEIVES CONSENT FOR SUCH RELEASE PURSUANT TO THE PROVISIONS OF THIS SECTION; AND
- 3) THE COUNCIL, EXCEPT THAT NO INFORMATION IDENTIFYING THE SUBJECTS OF THE REPORTS OR THE REPORTERS SHALL BE MADE AVAILABLE TO THE COUNCIL UNLESS CONSENT FOR RELEASE IS REQUESTED AND RECEIVED PURSUANT TO THE PROVISIONS OF THIS SECTION. ONLY INFORMATION PERTAINING TO HEAD AND SPINAL CORD INJURIES AS DEFINED IN SECTION 1 OF THE ACT SHALL BE RELEASED TO THE COUNCIL. (Section 3 of the Act)

- b) THE DEPARTMENT SHALL NOT REVEAL THE IDENTITY OF A PATIENT, PHYSICIAN OR HOSPITAL, EXCEPT THAT THE IDENTITY OF THE PATIENT MAY BE RELEASED UPON WRITTEN CONSENT OF THE PATIENT, PARENT OR GUARDIAN, THE IDENTITY OF THE PHYSICIAN MAY BE RELEASED UPON WRITTEN CONSENT OF THE PHYSICIAN; AND THE IDENTITY OF THE HOSPITAL MAY BE RELEASED UPON WRITTEN CONSENT OF THE HOSPITAL. (Section 3 of the Act)

- c) THE DEPARTMENT SHALL REQUEST CONSENT FOR RELEASE FROM A PATIENT, A PHYSICIAN OR HOSPITAL ONLY UPON A SHOWING BY THE APPLICANT FOR SUCH RELEASE THAT OBTAINING THE IDENTITIES OF CERTAIN PATIENTS, PHYSICIANS OR HOSPITALS IS NECESSARY FOR HIS BONA FIDE RESEARCH DIRECTLY RELATED TO THE OBJECTIVES OF THE ACT. (Section 3 of the Act)

- d) THE DEPARTMENT SHALL AT LEAST ANNUALLY COMPILE A REPORT OF THE DATA ACCUMULATED THROUGH THE REPORTING SYSTEM ESTABLISHED UNDER SECTION 2 OF THE ACT AND SHALL SUBMIT SUCH DATA RELATING TO SPINAL CORD AND HEAD INJURIES IN ACCORDANCE WITH CONFIDENTIALITY RESTRICTIONS ESTABLISHED PURSUANT TO THE ACT TO THE COUNCIL. (Section 3 of the Act)



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Illinois Trauma Center Code

2) Code Citation:

77 Ill. Adm. Code 540

3) Section Numbers:

540.65  
540.90  
540.100  
540.200

Proposed Action:

New Section  
Amendments  
New Section

4) Statutory Authority:

Emergency Medical Services (EMS) Systems Act  
Ill. Rev. Stat. 1989, ch. 111 1/2, par. 5501 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The Illinois Trauma Center Code includes rules for the designation of Level I and Level II Trauma Centers. The proposed changes to these rules set further standards for trauma patient care and give the Department power to enforce Trauma Center Standards pursuant to P.A. 86-439.

Section 540.65 has been added to clarify the time frame in which a patient must be seen by medical personnel in a Trauma Center emergency department.

In Section 540.90, statutory language from P.A. 86-406 has been added which provides for including a representative of an ambulance service provider from each EMS System within the Trauma Region on the committee which develops the Trauma Region Plan.

In Section 540.100, the date of an injury and the date an injury is identified are added as elements to the Trauma Registry in order to effectuate use of the registry to collect head and spinal cord data required under AN ACT in relation to certain injuries (P.A. 86-510, effective January 1, 1990).

Section 535.200 consists of statutory language from P.A. 86-439 giving the Department power to inspect Trauma Centers for compliance with the Act and permitting the Department to revoke designation or impose a plan of correction depending on the severity of a violation.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

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The Department anticipates that this proposed rulemaking will become effective approximately six to nine months from the date of publication as proposed in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes ☐ No ☒7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: \_\_\_\_\_

8) Does this Rulemaking Contain Any Incorporations By Reference?Yes ☐ No ☒If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐9) Are there any other Proposed Amendments Pending on this Part?Yes ☐ No ☒

If Yes:

Section NumbersProposed ActionIll. Reg. Citation10) Statement of Statewide Policy Objectives:

The proposed rulemaking will affect hospitals designated as Trauma Centers which are owned by units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.



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## 12) Initial Regulatory Flexibility Analysis:

- A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

June 25, 1990

- B) Type of Small Businesses Affected:

Hospitals.

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

- D) Types of Professional Skills Necessary for Compliance:

Physicians, registered nurses.

The full text of the Proposed Amendments begins on the next page:

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 77: PUBLIC HEALTH

## CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

## SUBCHAPTER F: EMERGENCY MEDICAL SERVICES AND HIGHWAY SAFETY

## PART 540

## ILLINOIS TRAUMA CENTER CODE

|         |  |
|---------|--|
| Section | Purpose and Applicability                                    |
| 540.10  | Definitions  |
| 540.20  | Incorporated Materials                                       |
| 540.30  | Trauma Region Designation                                    |
| 540.40  | Trauma Center Designation                                    |
| 540.50  | Application Process  |
| 540.60  | Trauma Patient Evaluation                                    |
| 540.65  | Level I Trauma Center Designation Criteria                   |
| 540.70  | Level II Trauma Center Designation Criteria                  |
| 540.80  | Trauma Region Plan   |
| 540.90  | Uniform Reporting Requirements                               |
| 540.100 | Term of Designation  |
| 540.110 | Renewal of Designation                                       |
| 540.120 | Inspections and Investigations                               |
| 540.130 | Denial of Application for Designation or Request for Renewal |
| 540.140 | Voluntary Termination of Designation                         |
| 540.150 | Compensatory Provisions and Shortage Areas                   |
| 540.160 | Misrepresentation  |
| 540.170 | Failure to Develop Protocols                                 |
| 540.180 | Confidentiality and Immunity                                 |
| 540.190 | Inspection and Revocation of Designation                     |
| 540.200 | Appendix A Request for Designation                           |

**AUTHORITY:** Implementing and authorized by Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 5501 et seq.

**SOURCE:** Adopted at 11 Ill. Reg. 20153, effective December 1, 1987; amended at 13 Ill. Reg. 15441, effective September 15, 1989; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**NOTE:** Capitalization denotes statutory language.

## Section 540.65 Trauma Patient Evaluation

- a) Patients classified as trauma cases in the field or in any pre-hospital setting shall be evaluated by the trauma center's attending emergency department physician immediately upon arrival at the emergency department.



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b) Hospital triage in Level I and Level II Trauma Centers shall be established so that all patients presented to the emergency department secondary to injury shall be evaluated to assess whether or not the patient should be classified as a trauma case. This evaluation may be conducted by the attending emergency department physician or his/her designee or a registered nurse or trauma surgeon who is covering the emergency department. The evaluation shall be conducted within 10 minutes of the patient's arrival at the emergency department.

c) The response period for trauma or general surgery, as specified in Section 540.80 (c) shall begin when a patient is classified as a trauma case, either by field triage protocols as established by that Region's Trauma Plan, or by hospital triage.

(Source: Added at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 540.90 Trauma Region Plan

a) Within six (6) months of designation by the Department, the Level I Trauma Center serving a Trauma Region shall submit to the Department a Trauma Region Plan. If more than one Level I Trauma Center serves a Trauma Center Region, then the Level I Trauma Centers must establish and implement an agreement of cooperation for the review and coordination of services within the Trauma Center Region.

b) THE LEVEL I TRAUMA CENTER SHALL ASSEMBLE A COMMITTEE WHICH SHALL DEVELOP THE TRAUMA REGION PLAN. THE COMMITTEE SHALL CONSIST OF:

- 1) THE TRAUMA REGION'S LEVEL I TRAUMA CENTER MEDICAL DIRECTOR;
- 2) THE TRAUMA REGION'S LEVEL II TRAUMA CENTER MEDICAL DIRECTORS;
- 3) THE PROJECT MEDICAL DIRECTORS FROM ALL THE EMS SYSTEMS WITHIN THE TRAUMA REGION;
- 4) THE PROJECT MEDICAL DIRECTORS FROM ALL EMS SYSTEMS OUTSIDE THE TRAUMA REGION WHICH TRANSFER PATIENTS INTO THE TRAUMA REGION;
- 5) ADMINISTRATORS OF THE ASSOCIATE HOSPITALS OF THE EMS SYSTEM OF WHICH THE PREHOSPITAL CARE PROVIDER IS A PART;
- 6) NURSING DIRECTORS OF THE ASSOCIATE HOSPITALS OF THE EMS SYSTEM OF WHICH THE PREHOSPITAL CARE PROVIDER IS A PART.
- 7) A REPRESENTATIVE OF AN AMBULANCE SERVICE PROVIDER FROM EACH EMS SYSTEM WITHIN THE TRAUMA REGION. (Section 27e of the Act).

c) The Trauma Region Plan shall include but not be limited to the following:

- 1) Protocols addressing the following:
  - A) The treatment of trauma patients in each Trauma Center in

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the Trauma Region;

B) The evaluation and identification of when patients shall be transported to a Trauma Center, Affiliate Trauma Hospital, or other hospital;

C) The bypassing of any level Trauma Hospital;

D) The transfer of trauma patients to a Level I Trauma Center or to more specialized care;

E) Field triage;

F) Hospital triage;

G) Medical/legal issues; and

H) Local conflict mediation.

2) Written agreements addressing the following:

A) The respective responsibilities of the Level I Trauma Center, the Level II Trauma Centers, the Affiliate Trauma Hospitals and the EMS Systems within the Trauma Region in providing integrated trauma services, transportation and communications; and

B) The respective responsibilities of EMS Systems and hospitals providing specialty care outside of the Trauma Region in providing trauma patient care.

3) A Disaster Preparedness Plan which includes the actions and responsibilities of the Level I Trauma Center, the Level II Trauma Centers, the Affiliate Trauma Hospitals and the EMS Systems within the Trauma Region;

4) A program for conducting a quarterly conference which shall include at a minimum a discussion of morbidity and mortality between all professional staff involved in the care of trauma patients at all Trauma Centers and Affiliate Trauma Hospitals; and

5) A program for informing all participants involved in the care of trauma patients within the Trauma Region of field triage treatment protocols and all other aspects of the Trauma Region Plan.

d) Revised Trauma Score



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- 1) The Revised Trauma Score, as specified by the American College of Surgeons, shall be used in all Trauma Regions. The Revised Trauma Score is determined by using the following criteria:

| A) Respiratory Rate        | Value      | Points |
|----------------------------|------------|--------|
|                            | 10-29/min. | 4      |
|                            | >29/min.   | 3      |
|                            | 6-9/min.   | 2      |
|                            | 1-5/min.   | 1      |
|                            | 0          | 0      |
| B) Systolic Blood Pressure |            |        |
|                            | >89        | 4      |
|                            | 76-89      | 3      |
|                            | 50-75      | 2      |
|                            | 1-49       | 1      |
|                            | 0          | 0      |

| C) Glasgow Coma Scale    | Points |
|--------------------------|--------|
| i) Eye Opening Response  |        |
| Spontaneous              | 4      |
| To Voice                 | 3      |
| To Pain                  | 2      |
| None                     | 1      |
| ii) Best Verbal Response |        |
| Oriented                 | 5      |
| Confused                 | 4      |
| Inappropriate Words      | 3      |
| Incomprehensible Sounds  | 2      |
| None                     | 1      |
| iii) Best Motor Response |        |
| Obeys Commands           | 6      |
| Localizes (Pain)         | 5      |
| Withdraw (Pain)          | 4      |
| Flexion (Pain)           | 3      |
| Extension (Pain)         | 2      |
| None                     | 1      |

| Total GCS | Revised Trauma Points |
|-----------|-----------------------|
| 13-15     | = 4                   |
| 9-12      | = 3                   |
| 6-8       | = 2                   |
| 4-5       | = 1                   |
| 3         | = 0                   |

Revised Trauma Score = Total Points A+B+C

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- 2) Each Trauma Region may include other criteria in addition to the Revised Trauma Score in defining a trauma patient and specifying where trauma patients should be transported according to the severity of the injury.

(Source: Amended at 14 Ill. Reg. \_\_\_\_, effective \_\_\_\_)

## Section 540.100 Uniform Reporting Requirements

- a) Each facility shall have available to the Trauma Service, use of a Micro Soft Disc Operating System (MS-DOS), IBM Compatible microcomputer with a hard disk (minimal capacity of 10 megabytes). The Department shall provide Trauma Registry software for use by the facility. This software shall be used for data collection and shall have a provision to prepare electronic media reports to the Department on a quarterly basis.

- b) The facility shall provide the following information on each trauma patient that is admitted to the Trauma Center:

- 1) Patient name;
- 2) Date of birth;
- 3) Sex;
- 4) Race;
- 5) Social Security Number;
- 6) Home zip code;
- 7) Location of geographical site where injury occurred;
- 8) Type of site where injury occurred (i.e. home, school, road, etc.);
- 9) Mechanism of injury (International Classification of Disease (ICD)9 E codes - 4 digits);
- 10) Initial Trauma Triage score (such as the Glasgow Coma Scale, or the Trauma Score may be utilized);
- 11) 6 digit ambulance license number of transporting vehicle;
- 12) Pre-hospital treatment;
- 13) Trauma triage score upon arrival to hospital;
- 14) Treatment prior to surgery;
- 15) Times of:
  - A) injury;
  - B) start of pre-hospital treatment,
  - C) arrival in Emergency Department, and
  - D) start of surgery;
- 16) Trauma score prior to transfer;
- 17) Method and reason for transfer;
- 18) Trauma score upon arrival at the next level of care;
- 19) Treatment prior to surgery/transfer;



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- 20) Surgical procedures;
- 21) Complications;
- 22) Other surgical procedures;
- 23) Abbreviated Injury Score for each injury (current Abbreviated Injury Score of the American Association of Automotive Medicine);
- 24) Injury Severity Score (range from 1 to 75) (I.S.S.);
- 25) Total hospital stay (subdivided into ICU and non-ICU);
- 26) Patient outcome (died, discharged, transferred, etc.);
- 27) ICD9 N code for nature of illness;
- 28) Method of payment used by patient;
- 29) Total cost of care provided; and
- 30) Total unreimbursed care provided;
- 31) Date of injury; and
- 32) Date injury was identified.

c) Data shall be collected for all trauma patients in the State for each level of Injury Severity Score mean mortality rates, and standard deviations shall be calculated using standard statistical methods. Trauma Centers with mortality rates more than one standard deviation above the mean in three (3) or more ISS levels shall have an indepth evaluation by the Department prior to renewal of designation. Trauma Centers with mortality rates more than two standard deviations above the mean in any ISS level less than twenty-five (25) shall also be evaluated for compliance with the Act and this Part prior to renewal of designation. The Trauma Centers mortality rate shall not constitute the sole basis for refusing to renew a trauma centers designation.

d) Data collected from individual Trauma Centers shall be cross-referenced with Vital Records Death Certificates to confirm accuracy;

e) Annual reports shall be prepared by the Department presenting summary data to allow Trauma Centers and the public to evaluate performance. This data shall have all hospital and patient identifiers removed; and

f) All data received by the Department shall be kept confidential. Patient identifiers shall be kept in such a way to assure that confidentiality is maintained and is not available to the public.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 540.200 Inspection and Revocation of Designation

- a) THE DEPARTMENT SHALL HAVE THE AUTHORITY TO INSPECT DESIGNATED TRAUMA CENTERS IN ORDER TO ASSURE SUBSTANTIAL COMPLIANCE WITH THE PROVISIONS OF THE ACT AND THIS PART. INFORMATION RECEIVED BY THE DEPARTMENT THROUGH FILED REPORTS, INSPECTION OR AS OTHERWISE AUTHORIZED UNDER

## NOTICE OF PROPOSED AMENDMENTS

THE ACT SHALL NOT BE DISCLOSED PUBLICLY IN SUCH A MANNER AS TO IDENTIFY INDIVIDUALS OR HOSPITALS, EXCEPT IN A PROCEEDING INVOLVING THE DENIAL OR REVOCATION OF A TRAUMA CENTER DESIGNATION.

b) IF THE DIRECTOR DETERMINES THAT A TRAUMA CENTER IS IN VIOLATION OF THE ACT, OR ANY RULE OF THIS PART, THE DIRECTOR SHALL TAKE THE FOLLOWING ACTION, AS APPROPRIATE:

- 1) IF THE DIRECTOR DETERMINES THAT THE VIOLATION PRESENTS A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS PHYSICAL HARM WILL RESULT AND IF THE TRAUMA CENTER FAILS TO ELIMINATE THE VIOLATION IMMEDIATELY OR WITHIN A FIXED PERIOD OF TIME, NOT EXCEEDING 25 DAYS, AS DETERMINED BY THE DIRECTOR, THE DIRECTOR MAY IMMEDIATELY REVOKE THE TRAUMA CENTER DESIGNATION. THE TRAUMA CENTER MAY APPEAL THE REVOCATION BY REQUESTING A HEARING AS PROVIDED BY SECTION 25 OF THE ACT.

- 2) IF THE DIRECTOR DETERMINES THAT THE VIOLATION DOES NOT PRESENT A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS PHYSICAL HARM WILL RESULT, THE DIRECTOR SHALL REQUEST A PLAN OF CORRECTION WHICH SHALL BE SUBJECT TO THE DEPARTMENT'S APPROVAL. THE TRAUMA CENTER SHALL HAVE 10 DAYS AFTER THE RECEIPT OF THE NOTICE OF VIOLATION IN WHICH TO SUBMIT A PLAN OF CORRECTION. THE DEPARTMENT MAY EXTEND THIS PERIOD FOR UP TO 30 DAYS. THE PLAN SHALL INCLUDE A FIXED TIME PERIOD NOT IN EXCESS OF 90 DAYS WITHIN WHICH VIOLATIONS ARE TO BE CORRECTED. THE PLAN OF CORRECTION AND THE STATUS OF ITS IMPLEMENTATION BY THE TRAUMA CENTER SHALL BE PROVIDED, AS APPROPRIATE, TO ALL PARTICIPANTS OF THE APPROPRIATE EMS SYSTEMS. IF THE DEPARTMENT REJECTS A PLAN OF CORRECTION, IT SHALL SEND NOTICE OF THE REJECTION AND THE REASON FOR THE REJECTION TO THE TRAUMA CENTER. THE TRAUMA CENTER SHALL HAVE 10 DAYS AFTER RECEIPT OF THE NOTICE OF REJECTION IN WHICH TO SUBMIT A MODIFIED PLAN. IF THE MODIFIED PLAN IS NOT TIMELY SUBMITTED, OR IF THE MODIFIED PLAN IS REJECTED, THE TRAUMA CENTER SHALL FOLLOW AN APPROVED PLAN OF CORRECTION IMPOSED BY THE DEPARTMENT. IF, AFTER NOTICE AND OPPORTUNITY FOR HEARING, THE DIRECTOR DETERMINES THAT A TRAUMA CENTER HAS FAILED TO COMPLY WITH AN APPROVED PLAN OF CORRECTION, THE DIRECTOR MAY REVOKE THE TRAUMA CENTER DESIGNATION. SUCH NOTICE AND HEARING SHALL CONFORM TO THE PROVISIONS OF SECTION 25 OF THE ACT. (Section 27 of the Act).

(Source: Added at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## ILLINOIS RACING BOARD

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

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1) Heading of the Part: Admissions and Credentials2) Code Citation: 11 Ill. Adm. Code 14283) Section Numbers: 1428.160  
Proposed Actions:  
Repeal4) Statutory Authority: Ill. Rev. Stat. 1988, ch. 8 par. 95) A complete description of the Subjects and Issues Involved: This rulemaking will eliminate the necessity of a report on tax exempt credentials. The Illinois Racing Board has waived this rule for the past several years and has not experienced any adverse effects.6) Will this proposed rule replace an emergency rule currently in effect? No.7) Does this rulemaking contain an automatic repeal date? No.8) Does this proposed rule contain incorporations by reference? No.9) Are there any other proposed amendments pending on this Part? Yes, as follows:

1428.130 14 Ill. Reg. 8948 June 8, 1990.

10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing to:

Illinois Racing Board  
Legal Department  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register

12) Initial Regulatory Flexibility Analysis:A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 14, 1990B) Types of small businesses affected: None.C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.D) Types of professional skills necessary for compliance: Not applicable.

The full text of the proposed amendment begins on the next page:



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
 SUBTITLE B: HORSE RACING  
 CHAPTER I: ILLINOIS RACING BOARD  
 SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING  
 (THOROUGHbred)

PART 1428  
 ADMISSIONS AND CREDENTIALS

|          |   |
|----------|---|
| Section  | State Admissions Tax                      |
| 1428.10  | Admission Records                         |
| 1428.20  | Weekly Remittance of Tax                  |
| 1428.30  | Admission Statements                      |
| 1428.40  | Delivery of Reports                       |
| 1428.50  | Board Approval of Tickets and Credentials |
| 1428.60  | Control Numbers                           |
| 1428.70  | Revocation of Tickets, Credentials        |
| 1428.80  | Notice of State Tax                       |
| 1428.90  | Credential and Ticket Specimens           |
| 1428.100 | Gate Cards                                |
| 1428.110 | Tax Exempt Credentials                    |
| 1428.120 | Report on Tax Exempt Credentials          |
| 1428.130 | Concessionaires, Employees Credentials    |
| 1428.140 | Requisitions for Passes                   |
| 1428.150 | Tax Exempt Credentials Report (Repealed)  |
| 1428.160 | Summary of Tickets and Credentials        |
| 1428.170 | Track Responsible for Credentials         |
| 1428.180 | Board Access to Records                   |
| 1428.190 | Turnstiles                                |
| 1428.200 | Admission to Track                        |
| 1428.210 | Revocation of Credentials                 |
| 1428.220 | Admissions for Licensees                  |
| 1428.230 |   |

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1988, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended March 14, 1975, filed and effective March 27, 1975; codified at 5 Ill. Reg. 11002; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

Section 1428.160 Tax Exempt Credentials Report (Repealed)

BY THE OPERATOR/MUSTY/FILE/REPORTS/WITHIN/THE/BOARD/CONTAINING/ALL/INFORMATION/RELATIVE/TO/THE/ISSUANCE/OF/TAX/EXEMPT/CREDENTIALS/OF/OTHER/EVIDENCE/OF/RIGHT/TO/ENTER/GROUND//THESE/REPORTS/SHALL/INCLUDE/

1X CLASSIFICATION/OF/TYPE/OF/TICKET/OF/CREDENTIAL

2X THE/NAME/OF/PASS/HOLDER

3X SERIAL/NUMBER/OF/PASS

4X THE/DATES/OF/OFFICIAL/BUSINESS/OF/EACH/PASS/HOLDER

BY ONE/COMPLETE/REPORT/MUST/BE/FILED/WITH/THE/BOARD/ON/OR/BEFORE/10/DAYS/AFTER/OPENING/DAYS/OF/THE/RACE/MEETING/AND/AN/ADDITIONAL/SUPPLEMENTARY/REPORT/TO/THE/REMAINDER/OF/THE/MEETING/MUST/BE/FILED/ON/THE/CLOSING/DAY//IN/THE/EVENT/THAT/THE/BOARD/EMPLOYEES/MAY/CUSTOMARY/OF/TAX/EXEMPT/TICKETS/AND/CREDENTIALS/AND/ISSUANCE/OF/TICKETS/OF/CREDENTIALS/IS/SUPPLIED/by/REGULATIONS/prescribed/by/THE/SECURITY/OF/THE/BOARD/AT/THE/DIRECTION/OF/THE/SECURITY/OF/THE/BOARD/OF/THE/ABOVE/MENTIONED/REPORTS/MAY/BE/MADE

(SOURCE: Repealed at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## ILLINOIS RACING BOARD

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

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- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 509
- 3) Section Numbers:      Proposed Actions:  
509.150                    Amendment  
509.190                    Amendment  
509.240                    Amendment  
509.260                    Amendment  
509.265                    Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1988, ch. 8 par. 9
- 5) A complete description of the Subjects and Issues involved: This rulemaking establishes the requirement of providing a suitable structure for pre-race testing.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rule contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing to:

Illinois Racing Board  
Legal Department  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 14, 1990
- B) Types of small businesses affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the proposed amendment begins on the next page:



## ILLINOIS RACING BOARD

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

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## TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

## SUBTITLE B: HORSE RACING

## CHAPTER I: ILLINOIS RACING BOARD

## SUBCHAPTER b: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1988, ch. 8, par. 37-1 et. seq; See in particular Paragraphs 37-2, 37-9(b), 37-36a and 37-40).

PART 509  
MEDICATION

|         |   |
|---------|---|
| Section |   |
| 509.10  | Purpose   |
| 509.20  | Definitions   |
| 509.30  | Racing Soundness Exam   |
| 509.40  | Foreign Substance Banned  |
| 509.50  | Twenty-four Hour Ban  |
| 509.60  | Unlawful Administration   |
| 509.70  | Knowing Entry of Medicated Horses Prohibited  |
| 509.75  | Pharmaceutical Aids Banned  |
| 509.80  | Additions to Permitted List   |
| 509.90  | Permitted Use of Foreign Substance  |
| 509.100 | Possession of Needles and Injectables Prohibited  |
| 509.110 | Prescription Items - Animal Use   |
| 509.120 | Possession of Drugs and Chemicals   |
| 509.130 | Human Use of Substance and Hypodermic Syringes or Needles   |
| 509.140 | Detention Barn  |
| 509.150 | Test Samples  |
| 509.160 | Referee Samples   |
| 509.170 | Laboratory Reports and Findings   |
| 509.175 | Laboratory Reports and Findings with Respect to Test Samples for Pre-Race Testing   |
| 509.180 | Distribution of Purse   |
| 509.190 | Procedures, Purses, Retention of Samples, Etc.<br><del>(Formerly/Previously/Rule/117/and/Uniformity/Rule/211/)</del>  |
| 509.195 | Stewards Action on Laboratory Reports Under Pre-Race Testing  |
| 509.200 | Trainer Responsibility  |
| 509.210 | Prima Facie Evidence  |
| 509.220 | Bleeders  |
| 509.230 | Post Mortems  |
| 509.240 | Penalties - <del>Rule/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000</del><br>{Sections 509.60, 509.70, 509.260, or 509.265} Violations         |
| 509.250 | Penalties - Failure to Guard Cases  |
| 509.260 | Penalties - Violations of <del>509.241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000</del><br>{Section 509.90(a)}, Excessive Use of Phenylbutazone |
| 509.265 | Penalties - Violations of <del>509.241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000</del><br>{Section 509.75} Pharmaceutical Aids                 |
| 509.270 | Other Penalties   |
| 509.280 | Veterinarian's Records  |
| 509.290 | Offenses Occurring Prior to the Effective Date of the Rules   |

SOURCE: Adopted at 5 Ill. Reg. 4599, effective April 17, 1981; codified at 5 Ill. Reg. 10908; amended at 7 Ill. Reg. 1429, effective January 24, 1983; amended at 7 Ill. Reg. 15869, effective November 10, 1983; emergency amendment at 7 Ill. Reg. 16191, effective November 28, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 6094, effective April 19, 1984; amended at 8 Ill. Reg. 7002, effective May 7, 1984; amended at 11 Ill. Reg. 15492, effective September 3, 1987; amended at 14 Ill. Reg. 8186, effective May, 15, 1990; amended at 14 Ill. Reg. effective \_\_\_\_\_.

## Section 509.150 Test Samples

- The winning horse in every race and any other horse or horses selected at the discretion of the stewards, shall have taken from it test samples.
- All horses entered to race shall be subject to a pre-race blood test by the state veterinarian, Stewards or the Board. Test samples shall be taken from all of the horses in any given race randomly selected for pre-race testing. A negative pre-race test finding shall not preclude the stewards from ordering post-race testing of a horse.
- Any person having care, custody, and/or control of any horse who shall refuse to submit such horse for test samples shall have his license suspended for not less than 30 days and such horse shall be disqualified.
- Test samples shall be taken under the supervision of the state veterinarian by persons appointed by the Board. During the taking of such test samples, the owner or trainer or their agent or employee may be present at all times.
- The test samples shall be sealed by the state veterinarian or those under his/her supervision and the evidence of such sealing shall be witnessed by the signature of the owner or trainer or their agent or employee.



## ILLINOIS RACING BOARD

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- f) Every organization licensee shall provide a suitable pre-race laboratory structure where the samples provided for in this section shall be tested.

(SOURCE: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 509.190 Procedures, Purses, Retention of Sample, Etc.  
(Formerly ~~Thoroughbred/Rule/317/And/Harness/  
Rule/2117~~)

- a) Upon receipt of a laboratory report from the laboratory, the stewards or the Secretary of the Board shall immediately direct that no purse money shall be awarded to the horse in question pending a final determination by the stewards or the Board of the accuracy of the laboratory's report. The stewards or the Secretary of the Board shall notify the owner, trainer, and any other person having care or custody or control of the horse. If the purse money has been distributed, the stewards or the Secretary shall order it returned pending determination of the accuracy of the laboratory's reports. The stewards or the Secretary of the Board shall proceed to conduct an inquiry or the board shall conduct an inquiry or hearing.

- b) If the report of a laboratory is not contested or if the stewards or the Board determine that the laboratory report is accurate, all purse money won by the horse in the race in question shall be forfeited and redistributed among the remaining horses according to their order of finish. No such forfeiture and redistribution shall affect the distribution of pari-mutuel pools.

- c) 1) If no report has been issued by the laboratory to the stewards or the Board within 60 days after the date of a race, the owner of a horse shall become legally entitled to the money in the purse and it shall be conclusively presumed that the conditions precedent to such entitlement have been met.

- 2) Provided, however, laboratory reports issued more than 60 days after the date of a race may be considered by the stewards or the Board as evidence of a rule violation under ~~Rules/2116/And/  
2117/Or/2120/11 Ill. Adm. Code Section~~  
509.60, 509.70, or 509.200y

- d) If a laboratory report has been issued, whatever remains of that particular test sample shall be retained until all legal proceedings have been concluded.

- e) All samples shall be retained by the Laboratory for the maximum period permitted by available storage facilities. No samples may be destroyed when storage facilities become unavailable except upon approval by a majority of the members of the Board.

(SOURCE: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 509.240 Penalties - ~~Rules/2116/2117/2120/2121/2122/2123/  
2124/2125/2126/2127/2128/2129/2130/2131/2132/2133/  
2134/2135/2136/2137/2138/2139/2140/2141/2142/2143/  
2144/2145/2146/2147/2148/2149/2150/2151/2152/2153/  
2154/2155/2156/2157/2158/2159/2160/2161/2162/2163/  
2164/2165/2166/2167/2168/2169/2170/2171/2172/2173/  
2174/2175/2176/2177/2178/2179/2180/2181/2182/2183/  
2184/2185/2186/2187/2188/2189/2190/2191/2192/2193/  
2194/2195/2196/2197/2198/2199/2200/2201/2202/2203/  
2204/2205/2206/2207/2208/2209/2210/2211/2212/2213/  
2214/2215/2216/2217/2218/2219/2220/2221/2222/2223/  
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## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

Section 509.260 Penalties - Violations of ~~509.90(a)~~ Excessive Use of Phenylbutazone

- a) Each time that the laboratory finds that the limit of 2 micrograms of phenylbutazone and/or its metabolites per milliliter of plasma (hereinafter referred to as a "bute overage") has been exceeded, the trainer and the veterinarian attending said horse shall be notified.
- b) The penalties for exceeding this limit shall be computed as follows:

- 1) The first two times that the laboratory finds bute overages with respect to any horses of a trainer, the trainer shall receive a written warning. Provided, however, that the trainer who has started more than 150 horses in any calendar year shall be entitled to one additional warning and shall be entitled to one further warning for subsequent 150 starts in excess of 300. The burden of proving the number of horses started shall be on the trainer.
- 2) If the laboratory finds a bute overage with respect to any horses of a trainer, after the trainer has already received two written warnings, the stewards shall impose a civil penalty not to exceed \$500.
- 3) If the laboratory finds a second bute overage with respect to any horses of a trainer, after the trainer has already received two written warnings, the stewards shall impose a civil penalty not to exceed \$1000.

- c) No violation shall be deemed to have occurred unless and until the trainer has received written notice of the bute overage.

- d) Penalties shall be computed on an annual basis and shall not carry over from year to year.

- e) If the bute overage occurred due to the negligence of the veterinarian attending the horse, the veterinarian shall be penalized in addition to, or instead of, the trainer.

(SOURCE: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

Section 509.265 Penalties - Violations of ~~509.75~~ Pharmaceutical Aids

- a) Each time that the laboratory finds that a pharmaceutical aid is present in a pre- or post-race test sample, the trainer and the veterinarian attending the horse shall be notified.
- b) The penalties for findings of pharmaceutical aids in pre- or post-race samples shall be computed as follows:

- 1) The first two times that the laboratory finds pharmaceutical aids in the pre- or post-race test sample, of any horses of a trainer, the trainer shall receive a written warning.
- 2) If the laboratory finds a pharmaceutical aid in pre- or post-race test samples of any horses of a trainer after the trainer has already received two written warnings, the stewards shall impose a civil penalty not to exceed \$500.

- 3) If the laboratory finds a second pharmaceutical aid in a pre- or post-race test sample of any horse of a trainer after the trainer has already received two written warnings, the stewards shall impose a civil penalty not to exceed \$1000.

- c) No violation shall be deemed to have occurred unless and until the trainer has received written notice of the laboratory finding.

- d) If the presence of the pharmaceutical aid occurred due to the negligence of the veterinarian attending the horse, the veterinarian shall be penalized in addition to, or instead of, the trainer.

(SOURCE: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Racetrack Operators and Their Duties
- 2) Code Citation: 11 Ill. Adm. Code 1305
- 3) Section Numbers:      Proposed Actions:  
1305.120                      Amendment  
1305.310                      New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1988, ch. 8 par. 9
- 5) A complete description of the Subjects and Issues Involved: This rulemaking establishes a provision for ambulance service to the nearest hospital for every racetrack to ensure the safety and immediate care of any injured person. It also establishes the requirement of a backstretch paging system to ensure proper communication between the Illinois Racing Board and its Licensees.
- 6) Will these proposed rules replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed rules contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? Yes, they are as follows:

1305.250      14 Ill. Reg. 8967      6/8/90

- 10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing to:

Illinois Racing Board  
Legal Department  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rules were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 14, 1990
- B) Types of small businesses affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the proposed amendment begins on the next page:



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER f: RULES AND REGULATIONS OF HARNES RACING

## PART 1305

## RACE TRACK OPERATORS AND THEIR DUTIES

|          |   |
|----------|---|
| Section  | Definitions of Race Track Operator          |
| 1305.10  | Application                                 |
| 1305.20  | Time for Filing Applications                |
| 1305.30  | Conditions of License                       |
| 1305.40  | Lease of Race Track (Repealed)              |
| 1305.45  | Written Disclosure                          |
| 1305.50  | Notice of Changes                           |
| 1305.60  | Political Contributions                     |
| 1305.70  | Termination of License                      |
| 1305.80  | Wagering on Races Conducted off of Premises |
| 1305.90  | Reciprocal Suspensions                      |
| 1305.100 | Horse Ambulance                             |
| 1305.110 | Ambulance of Racing Strip                   |
| 1305.120 | First Aid Station                           |
| 1305.130 | Medical Service                             |
| 1305.140 | Illinois Racing Board Office                |
| 1305.150 | Moving Office (Repealed)                    |
| 1305.170 | Judge's Stand                               |
| 1305.180 | Driver's Bench                              |
| 1305.190 | Stabling of Horses                          |
| 1305.200 | Stall Numbers and Distance Poles            |
| 1305.220 | Licensed Outrider                           |
| 1305.230 | Drinking Fountains and Rest Rooms           |
| 1305.240 | Telephones                                  |
| 1305.250 | Broadcasting and Telecasting                |
| 1305.260 | Pest Control                                |
| 1305.270 | Alcohol Sales                               |
| 1305.280 | Track Lights                                |
| 1305.290 | Fire Prevention                             |
| 1305.300 | Backstretch Paging System                   |
| 1305.310 | Admissions                                  |
| 1305.320 | Inspection Report                           |
| 1305.330 | Lottery and Events at Race Tracks           |
| 1305.340 | Off-Track Betting Agencies of Other States  |
| 1305.350 | Reporting of Horsemen's Purse Account       |
| 1305.370 |   |

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1988, ch. 8, par. 37-9(b)).

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

SOURCE: Published in Rules and amended of Harness Racing, (Original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended February 15, 1974; filed February 28, 1974; amended October 25, 1974, filed November 7, 1974; added May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 21, 1976, filed August 30, 1976; amended at 2 Ill. Reg. 27, p. 275, effective July 10, 1978; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; codified at 5 Ill. Reg. 10923; amended at 6 Ill. Reg. 11063, effective September 1, 1982; amended at 9 Ill. Reg. 9165, effective May 20, 1985; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1305.120 Ambulance for Racing Strip

~~The race track operator shall furnish a manned ambulance each day that the main track is open for racing or exercising horses. The ambulance shall be equipped with a first aid kit, a fire extinguisher, and a telephone. The ambulance shall be maintained in good condition and shall be used for the purpose of transporting horses to and from the track. The ambulance shall be used for the purpose of transporting horses to and from the track. The ambulance shall be used for the purpose of transporting horses to and from the track.~~

(SOURCE: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1305.310 Backstretch Paging System

Each organization shall have in place a suitable backstretch paging system.

(SOURCE: Added at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Regulations for Meetings
- 2) Code Citation: 11 Ill. Adm. Code 1424
- 3) Section Numbers:      Proposed Actions:  
1424.140                  New Section  
1424.150                  New Section  
1424.175                  Amendment  
1424.240                  Repeal
- 4) Statutory Authority: Ill. Rev. Stat. 1988, ch. 8 par. 9
- 5) A complete description of the Subjects and Issues Involved: This rulemaking will establish new requirements for racetrack operators to ensure safety and adequate communication on their racetracks. The first will require the installation of safety rails. The second will provide ambulance service to the nearest hospital. The third will require the installation of a backstretch paging system. Finally, the fourth will eliminate the restriction on calls through the switchboard during racing hours.
- 6) Will these proposed rules replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed rules contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? Yes, as follows:  
1424.230 14 Ill. Reg. 8971 June 8, 1990.
- 10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing to:

Illinois Racing Board  
Legal Department  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601

## NOTICE OF PROPOSED AMENDMENTS

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register

12) Initial Regulatory Flexibility Analysis:

- A) Date rules were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 14, 1990
- B) Types of small businesses affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the proposed amendment begins on the next page:



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

## SUBTITLE B: HORSE RACING

## CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING  
(THOROUGHBRED)

## PART 1424

## REGULATIONS FOR MEETINGS

## Illinois Racing Board Right of Entry

Office for Racing Board  
Moving Offices (Repealed)

Inspections and Searches

Investigative Authority

Allocation of Stalls

Distance Poles

Arrivals, Departures and Stabling

Departure Slips

Horse Ambulance

Races Per Day

Extra Races

Clockers

Outriders

Safety Rails

Backstretch Paging System

Camera

Medical Services

Manned Ambulance

Policing of Premises

Stable Area Security

Stable Area Security

Security Reports

Night Patrol

Telephone and Telegraph

Calls Through Switchboard (Repealed)

Races for Illinois Horses

Breeder Awards

Admissions to Parts of Premises

Stable Areas Fenced

Merchandise Selling

Tip Sheets

Alcoholic Beverages

Jockey Quarters

Water Supply and Washrooms

Drug Vendors

Seven Day Rule

Penalty for Violation of Rules

Stall Availability Prior to Meet

1424.355

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1988, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); added October 25, 1973, filed November 26, 1973; added August 8, 1973; amended February 15, 1974, filed February 28, 1974; amended April 11, 1974, filed April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended June 19, 1976, filed June 25, 1976; amended December 9, 1977, filed December 29, 1977; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10996; amended at 8 Ill. Reg. 12460, effective June 27, 1984; amended at 9 Ill. Reg. 9166, effective May 30, 1985; amended at 14 Ill. Reg. , effective \_\_\_\_\_.

## Section 1424.140 Safety Rails

All thoroughbred organizations shall install interior rails designed to ensure the safety of jockeys and horses and which are suitable to the Board. Any gooseneck rail shall have an adequate covering.

(SOURCE: Added at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1424.150 Backstretch Paging System

Each organization shall have in place a suitable backstretch paging system.

(SOURCE: Added at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1424.175 Manned Ambulance

Operators shall furnish a manned ambulance each day of the year. The ambulance shall be equipped with first aid supplies, bandages, and other necessary equipment. The ambulance shall be placed at the track at all times. The ambulance shall be maintained in good condition and shall be available for use at all times. The ambulance shall be operated by a licensed driver. The ambulance shall be used to transport horses to the nearest hospital on any day that the operator is racing or allowing horses to exercise.

(SOURCE: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 1424.240 Calls Through Switchboard (Repealed)

~~OTHER THAN LEGITIMATE NEWS SERVICE AND PUBLIC PHONES PROVIDED/~~  
~~During racing hours pursuant to the rules and regulations of/~~  
~~Racing adopted by the Board, all phone lines must clear through/~~  
~~the central switchboard. No complete record must be kept of all/~~  
~~incoming and outgoing calls clearing through the central/~~  
~~switchboard for the period covering one half hour before the/~~  
~~first race until 15 minutes after the last race.~~

(SOURCE: Repealed at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Starting

2) Code Citation: 11 Ill. Adm. Code 1415

3) Section Numbers: Proposed Actions:  
 1415.160 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1988, ch. 8 par. 9

5) A complete description of the Subjects and Issues Involved: This rulemaking establishes a requirement of a padded starting gate. It will ensure the safety of horses and jockeys.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing to:

Illinois Racing Board  
 Legal Department  
 100 West Randolph, Suite 11-100  
 Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register



## ILLINOIS RACING BOARD

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

## 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 14, 1990
- B) Types of small businesses affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the proposed amendment begins on the next page:

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
 SUBTITLE B: HORSE RACING  
 CHAPTER I: ILLINOIS RACING BOARD  
 SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING  
 (THOROUGHBRED)

PART 1415  
STARTING

| Section  |                                     |
|----------|-------------------------------------|
| 1415.10  | Identification of Horses            |
| 1415.15  | Lip Tattoo                          |
| 1415.20  | Authority of Starter                |
| 1415.30  | Jockeys to Dismount                 |
| 1415.40  | All Horses Parade                   |
| 1415.50  | Horses Led to Post                  |
| 1415.60  | Starter's Orders                    |
| 1415.70  | Starter's Assistants                |
| 1415.80  | Causes of Delay                     |
| 1415.90  | Report Presence on Grounds          |
| 1415.100 | Jockeys Fees Paid                   |
| 1415.110 | Licensed Trainer                    |
| 1415.120 | Veterinarian's List                 |
| 1415.130 | Scratches and Refunds               |
| 1415.140 | Number of Starters                  |
| 1415.150 | Horse Must Run the Course           |
| 1415.160 | Starting Gate                       |
| 1415.170 | Post Positions                      |
| 1415.180 | Horse, When a Starter               |
| 1415.190 | Failure of Starting Gate            |
| 1415.200 | Start Without Gate                  |
| 1415.210 | Horse, When Starter Without a Gate  |
| 1415.220 | Schooling                           |
| 1415.230 | Twitches and War Bridles (Repealed) |
| 1415.240 | Starter (Repealed)                  |
| 1415.250 | Starter Reports Fines (Repealed)    |
| 1415.260 | Inspection of Plating               |
| 1415.270 | Change in Course                    |

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1988, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulation of Horse Racing, (original date not cited in publication); amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10985; amended at 6 Ill. Reg. 10013, effective August 3, 1982; amended at 7 Ill. Reg. 2170, effective February 4, 1983; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.



## NOTICE OF PROPOSED AMENDMENTS

## Section 1415.160 Starting Gate

Except in cases of emergency, a padded starting gate, approved by the Board, shall be used in starting all races.

(SOURCE: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Totalizator Operations

2) Code Citation: 11 Ill. Adm. Code 433

3) Section Numbers: Proposed Actions:  
433.295 New Section  
433.298 New Section

4) Statutory Authority: Ill. Rev. Stat. 1988, ch. 8 par. 9

5) A complete description of the Subjects and Issues Involved: This rulemaking establishes new requirements for totalizator operators. It will provide for equipment in each totalizator facility to ensure immediate communication between facilities.

6) Will these proposed rules replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed rules contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing to:

Illinois Racing Board  
Legal Department  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rules were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 14, 1990
- B) Types of small businesses affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the proposed amendments begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 433  
TOTALIZATOR OPERATIONS

## SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

| Section | Definitions                                    |
|---------|--|
| 433.10  | Purpose  |
| 433.15  | Pari-Mutuel Audit Unit                         |
| 433.20  | Access to Totalizator and Pari-Mutuel Facility |
| 433.25  | Work Area for Pari-Mutuel Auditors             |
| 433.30  | Systems Failure                                |
| 433.35  | Waivers for Scientific Advancements            |
| 433.45  | Filing   |
| 433.50  | Standards                                      |
| 433.55  |  |

## SUBPART B: PROCEDURES AND REPORTS REQUIRED OF ORGANIZATION LICENSEES

| Section | Cashed Tickets                    |
|---------|-----------------------------------|
| 433.60  | Summary of Pari-Mutuel Operations |
| 433.70  |                                   |

## SUBPART C: MUTUEL TICKETS

| Section | Marketing of Tickets             |
|---------|----------------------------------|
| 433.100 | Status of Outs Accounts          |
| 433.110 | Cancellation of Tickets          |
| 433.120 | Computer Print-Outs              |
| 433.140 | Additional Method of Calculation |
| 433.145 |                                  |

## SUBPART D: MUTUEL FACILITIES; TICKETS; SPECIFICATIONS REQUIREMENTS AND PROCEDURES

| Section | No Reduction in Capacity          |
|---------|-----------------------------------|
| 433.200 | Totalizators                      |
| 433.210 | Final Confirmation                |
| 433.220 | Status Report                     |
| 433.230 | Locking Devices                   |
| 433.240 | Control of Locking Devices        |
| 433.250 | Accounting for Individual Tickets |
| 433.260 | Tickets                           |
| 433.270 | Security for Tote Equipment       |
| 433.280 | Access to Tote Room               |
| 433.290 |                                   |



## ILLINOIS RACING BOARD

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

## NOTICE OF PROPOSED AMENDMENTS

433.295 Fax Machine  
433.298 Hot-Line Telephone

Section 433.295 Fax Machines

Properly operating Fax Machines shall be present in all rooms and facilities used in connection with the operation of a totalizator system.

## SUBPART E: TOTALIZATOR SYSTEM: SYSTEM REQUIREMENTS

(SOURCE: Added at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section  
433.300 General System Requirements  
433.310 Redundant Capabilities  
433.310 Redundant Hardware  
433.320 Stop Betting Command  
433.330 Record of Stop Betting Command  
433.340 Odds Board Control  
433.350 Odds Update  
433.360 Retention of Racing Program Data  
433.370 Control Access to Tote Computer Equipment  
433.380 Software  
433.390 Provide Summary  
433.400 Unique Ticket Number  
433.410 Uncashed Tickets  
433.420 Computer Produced Reports  
433.430 Magnetic Log Files  
433.440 Security Sub-System  
433.450 Power Fluctuations  
433.460 Two Independent Sets of Pool Totals  
433.470 Loss of Communications Report  
433.480 Cancellations  
433.490

Section 433.298 Hot-Line Telephones

All totalizator system licensees shall provide hot-line telephones from their rooms to any facility used by another totalizator system licensee for purposes of conducting intertrack wagering.

(SOURCE: Added at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: TOTALIZATOR SYSTEM: PROCEDURAL REQUIREMENTS

Section  
433.500 General Procedural Requirements  
433.510 Pre-Program Tests  
433.520 Totalizator Programs  
433.530 Duplicate Copy of Totalizator Programs  
433.540 Notice of Software Modifications  
433.550 Testing of Software Modifications  
433.560 Controlling System Utilities  
433.570 Access to Tote Room  
433.580 Control Log  
433.590 Back-Up Procedures  
433.600 Shut-Down Procedures  
433.610

AUTHORITY: Implementing Section 15 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1988, ch. 8, par. 37-9(b), 37-15).

SOURCE: Adopted at 11 Ill. Reg. 12380, effective July 18, 1987; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Trifecta
- 2) Code Citation: 11 Ill. Adm. Code 409
- 3) Section Numbers: 409.90  
Proposed Actions:  
New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1988, ch. 8 par. 9
- 5) A complete description of the Subjects and Issues Involved: This rulemaking establishes a specific criteria for carding Trifecta races.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rule contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? Yes, they are as follows:
- |        |                   |         |
|--------|-------------------|---------|
| 409.65 | 14 Ill. Reg. 1601 | 1/26/90 |
| 409.75 | 14 Ill. Reg. 8553 | 6/1/90  |
| 409.85 | 14 Ill. Reg. 1849 | 2/2/90  |
- 10) Statement of Statewide Policy Objectives: Not applicable, no local governmental units will be required to increase expenditures.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing to:

Illinois Racing Board  
Legal Department  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 14, 1990
- B) Types of small businesses affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the proposed amendment begins on the next page:



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

## SUBTITLE B: HORSE RACING

## CHAPTER 1: ILLINOIS RACING BOARD

## SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

## PART 409

## TRIFECTA RULES

| Section |   |
|---------|---|
| 409.10  | Trifecta Wager  |
| 409.20  | Entries and Fields Prohibited                               |
| 409.30  | Winning Combinations  |
| 409.40  | Dead Heat   |
| 409.50  | Irregular Wagering Pattern                                  |
| 409.60  | Special Conditions for Thoroughbred Races<br>(Repealed)     |
| 409.65  | Trifecta Races  |
| 409.70  | Special Conditions for Harness Trifecta Races<br>(Repealed) |
| 409.75  | Restrictions on Thoroughbred Trifecta Races                 |
| 409.80  | Waiver of Rules (Repealed)                                  |
| 409.85  | Restrictions on Harness Trifecta Races                      |
| 409.90  | Minimum Fields  |

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, ch. 8, par. 37-9(b)).

SOURCE: Adopted at 4 Ill. Reg. 38, p. 187, effective September 8, 1980; codified at 5 Ill. Reg. 10894; emergency amendment at 9 Ill. Reg. 2532, effective February 8, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 10270, effective June 21, 1985; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 409.90 Minimum Fields

- a) For thoroughbred racing, at least 8 betting interests shall be carded and in the event of scratches at scratch time at least 7 betting interests shall remain. Trifecta wagering will still be permitted if scratches occurring after the horses leave the paddock reduce the field to 6 betting interests, but in no event shall trifecta wagering be allowed on a race with fewer than 6 betting interests.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- b) For harness racing, at least 9 betting interests shall be carded and in the event of scratches at scratch time at least 8 betting interests shall remain. Trifecta wagering will still be permitted if scratches occurring after the horses leave the paddock reduce the field to 7 betting interests, but in no event shall trifecta wagering be allowed on a race with fewer than 7 betting interests.

This section shall not be applicable to Stakes Races.

(SOURCE: Added at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)



DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- 1) Heading of Part: Custodial Transportation of Pupils  
Where Walking Constitutes a Serious  
Safety Hazard
- 2) Code Citation: 92 Ill. Adm. Code 557
- 3) 

| Section Numbers: | Proposed Action: |         |          |
|------------------|------------------|---------|----------|
| 557.100          | 557.105          | 557.110 | Repealed |
| 557.120          | 557.130          | 557.140 | Repealed |
| 557.150          |                  |         | Repealed |
- 4) Statutory Authority: Ill. Rev. Stat. 1986 Supp., ch. 122,  
par. 29-5.2.

5) A complete description of the subjects and issues involved:

By this proposed rulemaking, the Department intends to repeal Part 557, and elsewhere in this issue of the Illinois Register, proposes to replace this Part with new rules on custodial transportation of pupils where walking constitutes a serious safety hazard. For a complete description of the differences between the repealed rules and the new rules, please see the Notice of Proposed Rules for Part 557.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This Part does not affect units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

ILLINOIS REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Mr. James A. Schoenherr  
Traffic Safety Programs Engineer  
Bureau of Traffic, Room 104  
2300 South Dirksen Parkway  
Springfield, IL 62764  
(217) 792-7415

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to D.C.C.A.: June , 1990
- B) Types of small businesses affected: This Part does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the Proposed Repealer begins on the next page:



## DEPARTMENT OF TRANSPORTATION

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED REPEALER

## NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER F: HIGHWAYSPART 557  
CUSTODIAL TRANSPORTATION OF PUPILS WHERE WALKING  
CONSTITUTES A SERIOUS SAFETY HAZARD

| Section | Purpose and Scope                         |
|---------|---|
| 557.100 | Definitions                               |
| 557.105 | Walking Along a Roadway (Type I Hazard)   |
| 557.110 | Walking On a Roadway (Type II Hazard)     |
| 557.120 | Crossing a Roadway (Type III Hazard)      |
| 557.130 | Crossing Railroad Tracks (Type IV Hazard) |
| 557.140 | Procedures                                |
| 557.150 |   |

AUTHORITY: Implementing and authorized by Section 29-5.2 of the School Code (Ill. Rev. Stat. 1986 Supp., ch. 122, par. 29-5.2).

SOURCE: Emergency rules adopted at 10 Ill. Reg. 14843, effective August 27, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 6514, effective March 27, 1987; repealed at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 557.100 Purpose and Scope

This Part establishes guidelines and procedures for determining the existence of a serious safety hazard. Section 29-5.2 of The School Code (Ill. Rev. Stat. 1986 Supp., ch. 122, par. 29-5.2) provides for State reimbursement to custodians of pupils who choose to transport pupils residing within 1-1/2 miles from the school attended where vehicular traffic conditions are such that walking constitutes a serious hazard to the safety of the pupils, and access to transportation entirely at public expense is not available. This Part applies to serious safety hazards encountered by schoolchildren walking on or along roadways, crossing roadways and crossing railroad tracks.

## Section 557.105 Definitions

The following words and phrases as used in this Part shall have the meanings ascribed to them in this Section.

"Controls providing pedestrian protection" - Either of the following:

All way stop - all approaches to the intersection are required by signs to stop; or

Adult crossing guards - any intersection where traffic is stopped by an adult crossing guard, regardless of other traffic controls.

## "Crossing protection"

Crossbucks only. An "X" shaped sign mounted upon a post at a rail-highway crossing inscribed with the words "Railroad" on one panel and "Crossing" on the other.

Active protection. Any protection that is designed to be actuated by the approach of an oncoming train (including lights, bells and gates) or protection by a crossing guard.

"Curb" - A vertical or sloping barrier along a roadway at least four inches high, clearly defining the edge to motorists.

"Department" - The Illinois Department of Transportation.

"Length of hazardous section for Type I hazard" - The length (rounded to the nearest tenth of a mile) of the hazardous condition to which children walking along a roadway are exposed. It is limited to those sections where children walk on a shoulder within ten feet of the roadway or behind a curb or ditch within eight feet of the roadway. All of the children covered by the submittal must walk the complete length of the hazardous section. The length may be scaled from a map or measured by a "walking wheel," a car odometer, or other normally accepted method.

"Length of hazardous section for Type II hazard" - The distance (rounded to nearest tenth of a mile) which children must walk on the roadway because no shoulder or walkway exists off the pavement or because of a narrow bridge or underpass. All of the children covered by the submittal must walk the complete length of the hazardous section.

"Narrow bridge or underpass" - A narrow bridge or underpass which forces pupils walking to school, because of the narrowness of the structure and its lack of a sidewalk, to walk on the roadway for a minimum of 50 feet.

"No stop control" - No stop signs or traffic signals that would require vehicles on the roadway which the children are crossing to stop. Yield signs are not stop controls.

"Number of tracks" - Total number of tracks which, during periods



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when schoolchildren are normally going to and from school, carry trains. Example: If two tracks carry trains during the morning period and one of those tracks carries trains during the afternoon period, the number of tracks is two.

"Number of trains" - Daily number of trains passing through the crossing during the periods when schoolchildren are normally going to and from school. This number may be obtained from railroad companies or by counting trains. Example: If two trains cross in the morning period and one crosses in the afternoon period, the number of trains is three.

"Roadway" - The portion of a road or a street on which vehicles travel, consisting of the pavement surface, exclusive of the shoulders.

"Shoulder" - The relatively flat area between the outer edge of an uncurbed roadway and the point where the earth begins sloping either upward or downward, intended for the accommodation of stopped vehicles or for emergency use.

"Speed of traffic" - The posted speed, where signs are present, except that special school speed zones of 20 miles per hour shall not be considered. If no regular speed limit signs are present, the speed of traffic shall be considered to be 30 miles per hour in urban areas and 55 miles per hour in rural areas.

"Traffic signals" - Traffic lights that alternately stop traffic on one approach and then another.

"Train" - One locomotive by itself, two or more locomotives coupled together, or one or more locomotives with train cars.

"Train Speed" - The highest lawful speed at the crossing. This may be obtained from either the railroad company or the Illinois Commerce Commission, or local law enforcement officials may use radar.

"Two-way stop control" - Traffic on the roadway being crossed by the schoolchildren is required to stop by a stop sign.

"Volume of traffic" - The peak hourly volume of traffic during the periods when children are going to or from school. In many cases, this may be available from the agency maintaining a road (the State or county highway department or municipal street department). If no traffic volume figures are available, or if the custodian prefers, the custodian may make a one hour count (of vehicles in both directions) on a typical school day. (e.g., 7:30 a.m. - 8:30 a.m.,

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2:30 p.m. - 3:30 p.m., or, for kindergarten children, during the noon hour period.)

"Walkway" - The area on which schoolchildren normally walk along a street or highway, including a concrete sidewalk, a surfaced or unsurfaced pathway, or a roadway shoulder. The walkway, when immediately adjacent to the roadway, must be at least two feet in width; otherwise the children should be considered walking on the roadway, a Type II Hazard.

## Section 557.110 Walking Along a Roadway (Type I Hazard)

## Determination of serious safety hazard:

- a) Factors to be considered. The following factors are relevant in determining whether children walking along a roadway are endangered by a serious safety hazard: Grade of pupil, location of walkway in relation to roadway, speed of traffic, volume of traffic and length of hazardous sections. To determine whether a serious safety hazard exists in a particular situation a custodian shall assign points as appropriate for these factors, using the following:

|    |  |        |  |
|----|--|--------|--|
| 1) | Grade of Pupil                           |        |  |
|    | GRADE                                    | POINTS |  |
|    | K-6                                      | 5      |  |
|    | 7-8                                      | 2      |  |
|    | 9-12                                     | 0.5    |  |
| 2) | Location of Walkway                      |        |  |
|    | LOCATION                                 |        |  |
|    | Walkway on Shoulder<br>(no curb present) |        |  |
|    | Walkway behind<br>Curb or Ditch          |        |  |

\*Children walking immediately adjacent to the roadway on a walkway less than two feet in width are considered to be walking on the roadway.



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| 3) Speed of Traffic | POINTS | 2-Lane | 4-Lane |
|---------------------|--------|--------|--------|
| SPEED (MPH)         |        |        |        |
| 50-55               | 4      | 5      | 4      |
| 40-45               | 2      | 4      | 3      |
| 30-35               | 0.5    | 3      | 2      |
|                     |        | 2      | 1      |
|                     |        | 1      | 0.5    |

  

| 4) Volume of Traffic | POINTS |
|----------------------|--------|
| HOURLY VOLUME        |        |
| Greater than 1500    | 5      |
| 1200-1499            | 4      |
| 800-1199             | 3      |
| 400-799              | 2      |
| 100-399              | 1      |

  

| 5) Length of Hazardous Section | POINTS |
|--------------------------------|--------|
| DISTANCE (MILES)               |        |
| Greater than 1.0               | 2      |
| 0.8 - 1.0                      | 1.5    |
| 0.5 - 0.7                      | 1      |
| 0.2 - 0.4                      | 0.5    |

b) Qualification. A serious Type I safety hazard exists if the total of the points from subsections (a)(1)-(5) equals or exceeds ten and the situation qualifies for points from at least subsections (a)(1), (a)(2), and (a)(5). The situation is not disqualified if no points are obtained from subsections (a)(3) and (a)(4).

Section 557.120 Walking on a Roadway (Type II Hazard)

Determination of serious safety hazard:

a) Factors to be considered. The following factors are relevant in determining whether children who must walk on a roadway are endangered by a serious safety hazard: grade of pupil, reason for walking on roadway, speed of traffic, volume of traffic, and length of hazardous section. To determine whether a serious safety hazard exists in a particular situation, a custodian shall assign points as appropriate for these factors using the following:

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| 1) Grade of Pupil | POINTS |
|-------------------|--------|
| GRADE             |        |
| K-6               | 5      |
| 7-8               | 2      |
| 9-12              | 0.5    |

  

| 2) Reason for Walking on Roadway  | POINTS |
|---|--------|
| LOCATION  |        |
| On roadway* for a minimum of 350 feet because no shoulder or walkway exists off the pavement.   | 3      |
| On roadway* for a minimum of 50 feet because of a narrow bridge or underpass.   | 4      |
| *Children walking immediately adjacent to the roadway on a walkway less than two feet in width are considered to be walking on the roadway. |        |

  

| 3) Speed of Traffic | POINTS |
|---------------------|--------|
| SPEED (MPH)         |        |
| 50-55               | 4      |
| 40-45               | 2      |
| 30-35               | 0.5    |

  

| 4) Volume of Traffic | POINTS |
|----------------------|--------|
| HOURLY VOLUME        |        |
| Greater than 1500    | 5      |
| 1200-1499            | 4      |
| 800-1199             | 3      |
| 400-799              | 2      |
| 100-399              | 1      |

  

| 5) Length of Hazardous Section | POINTS |
|--------------------------------|--------|
| DISTANCE (MILES)               |        |
| Greater than 1.0               | 5      |



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| DISTANCE (MILES) | POINTS |
|------------------|--------|
| 0.8 - 1.0        | 4      |
| 0.5 - 0.7        | 3      |
| 0.2 - 0.4        | 2      |
| Less than 0.2    | 1      |

- b) Qualification. A serious Type II safety hazard exists if the total of the points from subsection (a)(1)-(5) equals or exceeds ten and the situation qualifies for points from at least subsections (a)(1), (a)(2), and (a)(5). The situation is not disqualified if no points are obtained from subsections (a)(3) and (a)(4).

Section 557.130 Crossing a Roadway (Type III Hazard)

Determination of serious safety hazard:

- a) Factors to be considered. The following factors are relevant in determining whether children crossing a roadway are endangered by a serious safety hazard: grade of pupil, type of intersection control, speed and volume of traffic, and width of roadway. To determine whether a serious safety hazard exists in a particular situation, a custodian shall assign points as appropriate for these factors, using the following:

| GRADE                        | POINTS |
|------------------------------|--------|
| K-6                          | 5      |
| 7-8                          | 2      |
| 9-12                         | 0.5    |
| Type of Intersection Control |        |

Where schoolchildren must cross more than one roadway at an intersection, control with greatest point value should be considered.

| CONTROLS ON ROADWAY<br>BEING CROSSED | POINTS |
|--------------------------------------|--------|
| No stop control                      | 3      |
| Traffic signals                      | 2      |
| Two-way stop control                 | 1      |

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| CONTROLS ON ROADWAY<br>BEING CROSSED  | POINTS            |        |
|---|-------------------|--------|
| Control providing<br>pedestrian protection<br>(All way stop, or adult<br>crossing guards) | 0.5               |        |
| 3) Speed and Volume of Traffic  |                   |        |
| SPEED (MPH)   | HOURLY VOLUMES    | POINTS |
| 45-55   | Greater than 1500 | 5      |
| "   | 1000-1500         | 4      |
| "   | 500-999           | 3      |
| "   | 250-499           | 2      |
| "   | 100-249           | 1      |
| 30-40   | Greater than 1500 | 4      |
| "   | 1000-1500         | 3      |
| "   | 500-999           | 2      |
| "   | 250-499           | 1      |
| Less than 30  | Greater than 1500 | 3      |
| "   | 1000-1500         | 2      |
| "   | 500-999           | 1      |

| 4) Width of Roadway | POINTS |
|---------------------|--------|
| WIDTH (FEET)        |        |
| 40 or Greater       | 2      |
| 25-39               | 1      |
| 24 or Less          | 0.5    |

- b) Qualification. A serious Type III safety hazard exists if the total of the points from subsections (a)(1)-(4) equals or exceeds ten and the situation qualifies for points from at least subsections (a)(1), (a)(2) and (a)(4). The situation is not disqualified if no points are obtained from subsection (a)(3).

Section 557.140 Crossing Railroad Tracks (Type IV Hazard)

Determination of serious safety hazard:

- a) Factors to be considered. The following factors are relevant in determining whether children crossing railroad tracks are endangered by a serious safety hazard: grade of pupil, crossing protection and number of tracks, and speed and number



of trains. To determine whether a serious safety hazard exists in a particular situation, a custodian shall assign points as appropriate for these factors, using the following:

- 1) Grade of Pupit
- | GRADE | POINTS |
|-------|--------|
| K-6   | 5      |
| 7-8   | 2      |
| 9-12  | 0.5    |
- 2) Crossing Protection and Number of Tracks
- | NUMBER OF TRACKS | POINTS            |                 |
|------------------|-------------------|-----------------|
|                  | Active Protection | Crossbucks Only |
| 3 or more        | 3                 | 5               |
| 2                | 2                 | 4               |
| 1                | 1                 | 2               |
- 3) Speed and Number of Trains
- | DAILY NUMBER OF TRAINS           | POINTS            |               |
|----------------------------------|-------------------|---------------|
|                                  | TRAIN SPEED (MPH) |               |
| (During School crossing periods) | Less than 40      | 40 or greater |
|                                  | 4 or more         | 4             |
|                                  | 3                 | 3             |
|                                  | 2                 | 2             |
|                                  | 1                 | 1             |
|                                  |                   | 2             |
- b) Qualification. A serious Type IV safety hazard exists if a situation qualifies for points from all of subsections (a)(1), (a)(2) and (a)(3) and the total of the points from subsections (a)(1)-(3) equals or exceeds ten.

Section 557.150 Procedures

a) Request for determination by custodian.

A request for a determination by a custodian that a serious safety hazard exists shall be made in accordance with this part, and on a form promulgated by the Illinois Department of

Transportation (the Department). A custodian's request shall be supported by findings on those factors which were found to contribute to the hazard. Findings shall be indicated by completion of appropriate portions of the submittal form. Example: Speed of traffic (45 m.p.h.). Volume of traffic (900 vehicles/hour). Length of hazardous section (1.2 miles). Each submittal shall be certified true and correct by the custodian making the submission.

- b) Submission of request.
- An application form and a map showing the location of the hazard and the route walked by the child shall be submitted by the custodian to the Regional Superintendent of Education for the area in which the custodian is situated no later than February 1 of the school year for which reimbursement will be sought. The Regional Superintendent shall forward the request to the appropriate District Office of the Illinois Department of Transportation. The submittal may include other written materials, including photographs, which the custodian believes will aid in the Department's review.
- c) Department review.
- 1) Within 30 days of submission of the request by the Regional Superintendent to the Department, the Department shall approve or disapprove the custodian's request. The Department's review shall consist of determining the correctness of the information shown on the application form. This review shall include but is not limited to the following: taking a view of the location, consulting vehicular volume count maps or counting vehicles, measuring length and width of roadways, observing train movements and obtaining train speeds, from railroads, regulatory authorities or law enforcement officials. The persons conducting the review shall document the procedures employed and information obtained. Requests, whether approved or disapproved, shall be returned to the Regional Superintendent for distribution to custodians.
- 2) If a submittal is incomplete, the Department shall disapprove it without prejudice and state why it is considered incomplete. A request which is disapproved because of incompleteness may be resubmitted by the custodian within 30 days of the custodian's having been informed in writing that the request is incomplete.



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- 3) If a submittal is complete, it will be reviewed by the District Office. If a complete request is disapproved, the Department shall, in writing, state why and upon what information the Department's decision was based.

d) Reimbursement.

Since the actual reimbursement of custodians shall be handled by the State Superintendent of Education, rather than the Illinois Department of Transportation, questions regarding reimbursement shall be referred to the State Superintendent.

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- 1) Heading of Part: Custodial Transportation of Pupils Where Walking Constitutes a Serious Safety Hazard
- 2) Code Citation: 92 Ill. Adm. Code 557
- 3) Section Numbers:

|         |         |         |             |
|---------|---------|---------|-------------|
| 557.100 | 557.110 | 557.120 | New Section |
| 557.130 | 557.140 | 557.150 | New Section |
| 557.160 |         |         | New Section |
- 4) Statutory Authority: Ill. Rev. Stat. 1989 ch. 122, par. 29-5.2.
- 5) A complete description of the subjects and issues involved:

Elsewhere in this issue of the Illinois Register, the Department is proposing to repeal the old Part 557. By this Notice of Proposed Rules, the Department is proposing to replace the old Part with new rules on Custodial Transportation of Pupils Where Walking Constitutes a Serious Safety Hazard.

Both Parts establish guidelines and procedures for determining the existence of a serious safety hazard. Section 29-5.2 of the School Code (Ill. Rev. Stat. 1989, ch. 122, par. 29-5.2) provides for State reimbursement to custodians who choose to transport pupils when vehicular conditions are such that walking constitutes a serious hazard to the safety of the pupil.

The differences between the old Part and the new Part are as follows:

- A) Two changes are based on statutory changes:
  - 1) The custodian and the qualifying pupil must be residents of the State of Illinois; and,
  - 2) the application requirement has been changed to once every four years rather than annually.
- B) Other significant changes include the use of the grade level of the pupil to rate hazardous conditions. The new Part does not use grade level of the pupil to rate the hazardous conditions, but considers it in



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- C) determining the number of accumulated points necessary for a pupil to qualify for reimbursement. While the grade level of a pupil changes from year to year, it is likely that the hazardous condition will not change.
- D) Also, in the old Part 557, there were four types of hazards. The new Part merges Type I and Type II hazards and renumbering of the types of hazards has occurred. The first two types of hazards were merged because of the similarity of the hazards.

Otherwise, the Department is making changes to its rule to agree with the new simplified form. For example, definitions from the old Part have been deleted in the Definitions Section because these were self explanatory.

Any changes to the rules which are not based on statutory changes were done with the custodian in mind for ease of comprehension.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rule does not affect units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Mr. James A. Schoenherr  
Traffic Safety Programs Engineer  
Bureau of Traffic, Room 104  
2300 South Dirksen Parkway  
Springfield, IL 62764  
(217) 782-7415

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Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to D.C.C.A.: June , 1990
- B) Types of small businesses affected: This Part does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the Proposed Rule begins on the next page:



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TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER F: HIGHWAYSPART 557  
CUSTODIAL TRANSPORTATION OF PUPILS WHERE WALKING  
CONSTITUTES A SERIOUS SAFETY HAZARD

| Section | Purpose and Scope                             |
|---------|---|
| 557.100 | Definitions                                   |
| 557.110 | Determination                                 |
| 557.120 | Walking On or Along a Roadway (Type I Hazard) |
| 557.130 | Crossing a Roadway (Type II Hazard)           |
| 557.140 | Crossing Railroad Tracks (Type III Hazard)    |
| 557.150 | Procedures                                    |
| 557.160 |   |

**AUTHORITY:** Implementing and authorized by Section 29-5.2 of the School Code [Ill. Rev. Stat. 1989 ch. 122, par. 29-5.2].

**SOURCE:** Emergency rules adopted at 10 Ill. Reg. 14843, effective August 27, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 6514, effective March 27, 1987; Part repealed, new Part adopted at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**NOTE:** Capitalization denotes statutory language.

## Section 557.100 Purpose and Scope

This Part establishes guidelines and procedures for determining the existence of a serious safety hazard. Section 29-5.2 of The School Code [Ill. Rev. Stat. 1989, ch. 122, par. 29-5.2] provides for State reimbursement to custodians of pupils who choose to transport pupils residing within 1-1/2 miles from the school attended where vehicular traffic conditions are such that walking constitutes a serious hazard to the safety of the pupils, and access to transportation entirely at public expense is not available. BOTH CUSTODIANS AND QUALIFYING PUPILS MUST BE RESIDENTS OF THE STATE OF ILLINOIS (Section 29-5.2(b)(1)(A) of the School Code [Ill. Rev. Stat. 1989, ch. 122, par. 29-5.2(b)(1)(A)]). This Part applies to serious safety hazards encountered by schoolchildren walking on or along roadways, crossing roadways and crossing railroad tracks.

## Section 557.110 Definitions

The following words or phrases when used in this Part shall have the meanings ascribed to them below.

"Active Warning" - Any warning device that is designed to be

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actuated by the approach of an oncoming train (including lights, bells and gates) or warning by a crossing guard.

"Crossbucks Only" - Warning provided only by an "X" shaped sign mounted on a post at a rail-highway crossing inscribed with the words "Railroad" on one panel and "Crossing" on the other.

"Curb" - A vertical or sloping barrier along a roadway at least four inches high, clearly defining the edge of roadway.

"Department" - The Illinois Department of Transportation, usually acting through its District Engineers.

"Roadway" - The portion of a road, street or highway on which vehicles travel, consisting of the pavement surface, exclusive of the shoulders.

"School Code" - Ill. Rev. Stat. 1989, ch 122, par. 29-5.2.

"Shoulder" - The relatively flat area between the outer edge of a roadway with no curb and the point where the earth begins sloping either upward or downward, intended for the accommodation of stopped vehicles or for emergency use.

"Speed of Traffic" - The speed of traffic shall be based on the posted speed limit. In special school speed zones as authorized by Section 11-605 of the Illinois Vehicle Code [Ill. Rev. Stat. 1989 ch. 95 1/2, par 11-605] the speed limit that is in force when the special school speed zone is not in effect shall be used. If speed limit signs are not present, the speed of traffic shall be considered to be 30 miles per hour in an urban area and 55 miles per hour in a rural area.

"Volume of Traffic" - The volume of traffic shall be classified as light, moderate or heavy on the basis of a five minute vehicular traffic count during either the morning or afternoon crossing period using the following:

| VOLUME   | 2-LANES<br>(1 OR 2 WAY) | 3-LANES/MORE (1 WAY)<br>4-LANES/MORE (2 WAY) |
|----------|-------------------------|--|
| Heavy    | More than 40 vehicles   | More than 60 vehicles                        |
| Moderate | 20-40 vehicles          | 40-60 vehicles                               |
| Light    | Less than 20 vehicles   | Less than 40 vehicles                        |

Section 557.120 Determination

The determination of a serious safety hazard shall be made on the basis of



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the number of points the hazardous condition along a school route accumulates from this Part. When a pupil encounters a combination of hazardous conditions the determination of a serious safety hazard shall be made on the basis of the total of the points for any two situations as accumulated from this Part. Reimbursement shall be received for transporting a pupil if he/she must walk through a section(s) that produces at least the following points:

| GRADES | SINGLE TYPE<br>I, II OR III<br>LOCATION | COMBINATION OF TWO<br>TYPE I, II AND/OR III<br>LOCATIONS |           |
|--------|---|--|-----------|
|        |   | 18 points  | 24 points |
| K-6    | 10 points                               | 24 points  | 27 points |
| 7-8    | 13 points                               |  |           |
| 9-12   | 15 points                               |  |           |

Section 557.130 Walking On or Along a Roadway (Type I Hazard)

In determining whether a pupil walking on or along a roadway is endangered by a serious safety hazard, the location of a pupil in relation to the roadway, speed and volume of traffic, and length of hazardous section shall be considered. To determine whether a serious safety hazard exists in a particular situation, appropriate points from subsections (a) and (b) shall be added together.

a) Type and Length of Hazardous Section

| LOCATION OF PUPIL  | LENGTH     |                             |
|--|------------|-----------------------------|
|  | 50'-100'   | 100'-200' More than 200'    |
| On roadway for a minimum of 50' because of narrow bridge or overpass | 7 points   | 9 points 10 points          |
| On roadway for a minimum of 300' because of no shoulder or sidewalk  | 7 points   | 9 points 10 points          |
|  | 300'-1000' | 1000'-2000' More than 2000' |

| LOCATION OF PUPIL   | LENGTH       |                             |
|---|--------------|-----------------------------|
|   | 0.2-0.5 mile | 0.5-1 mile More than 1 mile |
| On narrow shoulder within 5' of roadway for a minimum of 0.2 mile | 6 points     | 8 points 10 points          |

b) Speed and Volume of Traffic

| SPEED     | VOLUME               | POINTS |
|-----------|----------------------|--------|
| 50-55 mph | Heavy Moderate Light | 8 6 4  |
| 40-45 mph | Heavy Moderate Light | 6 4 2  |
| 30-35 mph | Heavy Moderate Light | 5 3 1  |

Section 557.140 Crossing a Roadway (Type II Hazard)

In determining whether a pupil crossing a roadway is endangered by a serious safety hazard, the type of traffic control, number of lanes and speed and volume of traffic on the roadway shall be considered. To determine whether a hazard exists in a particular situation, appropriate points from subsections (a) and (b) shall be added together.

a) Type of Traffic Control

| CONTROL OF TRAFFIC ON ROADWAY BEING CROSSED | TWO LANES | THREE LANES OR MORE |
|---|-----------|---------------------|
| Does Not Stop                               | 6 points  | 8 points            |
| Stopped by signals or stop sign             | 2 points  | 4 points            |



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| b) Speed and Volume of Traffic |          |        |
|--------------------------------|----------|--------|
| SPEED                          | VOLUME   | POINTS |
| 50-55 mph                      | Heavy    | 8      |
|                                | Moderate | 6      |
|                                | Light    | 4      |
| 40-45 mph                      | Heavy    | 6      |
|                                | Moderate | 4      |
|                                | Light    | 2      |
| 30-35 mph                      | Heavy    | 5      |
|                                | Moderate | 3      |
|                                | Light    | 1      |

## Section 557.150 Crossing Railroad Tracks (Type III Hazard)

In determining whether a pupil crossing a railroad track is endangered by a serious safety hazard, the number of tracks, type of crossing warning, and number of daily trains during school crossing periods shall be considered. To determine whether a hazard exists in a particular situation, appropriate points from subsections (a) and (b) shall be added together.

## a) Number of Tracks and Type of Warning

| NO. OF TRACKS                                      | ACTIVE   | TYPE OF WARNING |        |
|--|----------|-----------------|--------|
|  |          | CROSSBUCK ONLY  | POINTS |
| 3 or more<br>1 or 2                                | 6 points | 8 points        | 7      |
|  | 4 points | 7 points        | 6      |
| b) Number of Trains                                |          |                 |        |
| NO. OF DAILY TRAINS DURING SCHOOL CROSSING PERIODS |          |                 |        |
| 4 or more  |          |                 | 7      |
| 3  |          |                 | 6      |
| 2  |          |                 | 5      |
| 1  |          |                 | 4      |

## Section 557.160 Procedures

## a) Request for determination by custodian.

A request for a determination by a custodian that a serious safety hazard exists shall be made in accordance with this

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Part, and on a form promulgated by the Illinois Department of Transportation (the Department). This form shall be provided by the Superintendent of the Educational Service Region for the county in which the custodian resides. A custodian's request shall be supported by findings on those factors which were found to contribute to the hazard. Findings shall be indicated by completion of appropriate portions of the submittal form. Example: Speed of traffic (45 m.p.h.). Volume of traffic (60 vehicles/five minute vehicular traffic count). Length of hazardous section (1.2 miles). Each submittal shall be certified true and correct by the custodian making the submission.

## b) Submission of request.

An application form and a map showing the location of the hazard and the route walked by the child shall be submitted by the custodian to the Regional Superintendent of Education for the area in which the custodian is situated no later than February 1 of the school year for which reimbursement will be sought. The Regional Superintendent shall forward the request to the appropriate District Office of the Illinois Department of Transportation. The submittal may include other written materials, including photographs, which the custodian believes will aid in the Department's review.

## c) Department review.

1) Within 30 days of submission of the request by the Regional Superintendent to the Department, the Department shall approve or disapprove the custodian's request. The Department's review shall consist of determining the correctness of the information shown on the application form. This review shall include but is not limited to the following: taking a view of the location, consulting vehicular volume count maps or counting vehicles, measuring length and width of roadways, observing train movements and obtaining train speeds from railroads, regulatory authorities or law enforcement officials. The persons conducting the review shall document the procedures employed and information obtained. Requests, whether approved or disapproved, shall be returned to the Regional Superintendent for distribution to custodians.

2) If a submittal is incomplete, the Department shall disapprove it without prejudice and state why it is considered incomplete. A request which is disapproved because of incompleteness may be resubmitted by the



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custodian within 30 days of the custodian's receipt of notification by the Department that the request is incomplete.

3) If a submittal is complete, it will be reviewed by the District Office. If a complete request is disapproved, the Department shall, in writing, state why and upon what information the Department's decision was based.

4) Reimbursement.

Since the actual reimbursement to custodians shall be handled by the State Superintendent of Education, rather than the Illinois Department of Transportation, questions regarding reimbursement shall be referred to the State Superintendent.

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Community Care Program

2) Code Citation: 89 Ill. Adm. Code 240

3) Section Numbers: Adopted Action:

240.715 Amendment  
240.720 Amendment  
240.725 Amendment  
240.855 Amendment  
240.870 Amendment  
240.920 Amendment  
240.1020 Amendment  
240.1950 Amendment

4) Statutory Authority: Ill. Rev. Stat., Ch. 23, Sections 6104.01(4), (9), (11), and (12); 6104.02, 6104.03, and 6105.02

5) Effective Date of Amendment(s): July 1, 1990

6) Does this rulemaking contain an automatic repeal date?  
Yes ☒ No ☐

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 21, 1990

9) Notice of Proposal Published in Illinois Register:

January 19, 1990: 14 Ill. Reg. 1077  
(issue date)

10) Has ICAR issued a Statement of Objections to this (these) Amendment(s)? No

11) Difference(s) between proposal and final version:

The following changes have been made in response to comments received during the first notice period:

Subsection 240.715(d) (1) (A) :

"of twenty-one (21) or more" has been changed to "equal to or less than ten (10)"; "is" has been changed to "shall be"; "and zero (0) points shall be added to the Part A, Level of Impairment, score on the Determination



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of Need (Box F)" has been added immediately following "cognitively intact"; and the second sentence has been deleted.

## Subsection 240.715(d) (1) (B):

"twenty (20) or less points is" has been changed to "eleven (11) or more shall be"; "and ten (10) points shall be added to the Part A, Level of Impairment, score on the Determination of Need (Box F)" has been added immediately following "cognitively impaired"; and the second sentence has been deleted.

## Subsection 240.715(e):

at the end of the first sentence, "listed above" has been changed to "identified".

## Subsection 240.855(a) (2):

"Client" has been added at the beginning of the subsection; "Payments" has been changed to "payments"; "expense incurred" has been deleted; and, "incurred expense" has been added immediately following "monthly".

## Section 240.920:

"authorized representative" has been added immediately following "Applicant" in subsections (c), (d), (e), (h), (j), (k), (r) and (x).

## Subsection 240.1020(a) (2):

"placement within" has been added immediately following "nursing facility".

## Subsection 240.1020(e):

"same" has been deleted; and, "as the date" has been changed to "of receipt by the vendor".

## Section 240.1950:

the title of this Section has been changed to:

"Adult Day Care Fixed Unit Reimbursement Rates"

## NOTICE OF ADOPTED AMENDMENTS

The following changes have been made in response to comments received from the Administrative Code Unit:

## Table of Contents:

in the title of Section 240.540: "To Be" has been changed to begin in lower case;

in the title of Section 240.865: "for" has been changed to begin in upper case;

in the heading to Subpart N and the titles of Sections 240.1410 and 240.1420: parenthetical entries have been deleted.

## SOURCE:

updated to include "amended at 14 Ill. Reg. 1233, effective January 12, 1990".

## Section 240.1020:

the Source note has been changed to reflect "Volume 14".

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement letter was issued.

13) Will this amendment replace an emergency amendment currently in effect? NO

14) Are there any proposed amendments pending on this Part? No

15) Summary and Purpose of Amendment(s):

These amendments incorporate changes which will result in the implementation of a revised Determination of Need (DON) assessment tool which is utilized in determining eligibility for the Community Care Program.

In addition, these amendments increase the eligible applicant/client protected income level to reflect the federal poverty level and clarify how the incurred monthly expense for Community Care Program services is determined.



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- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Melvin E. Koch

Address: Policy and Rules Analyst  
Illinois Department on Aging  
421 East Capitol Avenue  
Springfield, IL 62701

Telephone: (217) 785-3356

The full text of the Adopted Amendment(s) begins on the next page:

TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGING

PART 240

COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

| Section |   |
|---------|---|
| 240.100 | Community Care Program                                    |
| 240.110 | Department Prerogative                                    |
| 240.120 | Services Provided   |
| 240.130 | Maintenance of Effort                                     |
| 240.140 | Program Limitations                                       |
| 240.150 | Completed Applications Prior to August 1, 1982 (Repealed) |
| 240.160 | Definitions   |

SUBPART B: SERVICE DEFINITIONS

| Section |  |
|---------|--|
| 240.210 | Homemaker Service                      |
| 240.220 | Chore-Housekeeping Service             |
| 240.230 | Adult Day Care Service                 |
| 240.240 | Information and Referral               |
| 240.250 | Demonstration/Research Projects        |
| 240.260 | Case Management Service                |
| 240.270 | Alternative Provider                   |
| 240.280 | Individual Chore-Housekeeping Provider |

SUBPART C: RIGHTS AND RESPONSIBILITIES

| Section |  |
|---------|--|
| 240.300 | Applicant/Client Rights and Responsibilities           |
| 240.310 | Right to Apply   |
| 240.320 | Nondiscrimination                                      |
| 240.330 | Freedom of Choice                                      |
| 240.340 | Confidentiality/Safeguarding of Case Information       |
| 240.350 | Applicant/Client/Authorized Representative Cooperation |
| 240.360 | Reporting Changes                                      |
| 240.370 | Voluntary Repayment                                    |

SUBPART D: APPEALS

| Section |                           |
|---------|---------------------------|
| 240.400 | Appeals and Fair Hearings |
| 240.405 | Representation            |



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240.410 When the Appeal May Be Filed  
 240.415 What May Be Appealed  
 240.420 Group Appeals  
 240.425 Informal Review  
 240.430 Notice of Findings  
 240.435 Withdrawing an Appeal  
 240.440 Examining Department Records  
 240.445 Hearing Officer  
 240.450 The Hearing  
 240.455 Continuance of the Hearing  
 240.460 Postponement  
 240.465 Dismissal Due to Non-Appealance  
 240.470 Rescheduling the Appeal Hearing  
 240.475 Recommendations of Hearing Officer  
 240.480 The Appeal Decision  
 240.485 Reviewing the Official Report of the Hearing

## SUBPART E: APPLICATION

Section  
 240.510 Application for Community Care Program  
 240.520 Who May Make Application  
 240.530 Date of Application  
 240.540 Statement to be Included on Application

## SUBPART F: ELIGIBILITY

Section  
 240.600 Eligibility Requirements  
 240.610 Establishing Eligibility  
 240.620 Home Visit  
 240.630 Determination of Eligibility  
 240.640 Eligibility Decision  
 240.650 Continuous Eligibility  
 240.655 Frequency of Redeterminations  
 240.660 Extension of Time Limit

## SUBPART G: NON-FINANCIAL REQUIREMENTS

Section  
 240.710 Age  
 240.715 Need for long-term Care Determination of Need  
 240.720 Clients Prior to July 6, 1982 Effective Date of This  
Section  
 240.725 Clients After July 6, 1982 Effective Date of This Section  
 240.730 Plan of Care

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240.735 Supplemental Information  
 240.740 Assessment of Need  
 240.750 Citizenship  
 240.755 Residence  
 240.760 Furnishing of Social Security Number

## SUBPART H: FINANCIAL REQUIREMENTS

Section  
 240.800 Financial Factors  
 240.810 Assets  
 240.815 Exempt Assets  
 240.820 Asset Transfers  
 240.825 Income  
 240.830 Unearned Income Exemptions  
 240.835 Earned Income  
 240.840 Potential Retirement, Disability and Other Benefits  
 240.845 Family  
 240.850 Monthly Average Income  
 240.855 Applicant/Client Expense for Care  
 240.860 Change in Income  
 240.865 Application For Medical Assistance (Medicaid)  
 240.870 Determination of Applicant/Client Monthly Expense for Care  
 240.875 Client Responsibility

## SUBPART I: DISPOSITION OF DETERMINATION

Section  
 240.905 Prohibition of Institutionalized Individuals From Receiving Community Care Program Services  
 240.910 Written Notification  
 240.915 Service Provision  
 240.920 Reasons for Denial  
 240.925 Frequency of Redeterminations (Renumbered)  
 240.930 Suspension of Services  
 240.935 Discontinuance of Services to Clients  
 240.940 Penalty Payments  
 240.945 Notification  
 240.950 Reasons for Termination  
 240.955 Reasons for Reduction or Change

## SUBPART J: SPECIAL SERVICES



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Section  
240.1010 Nursing Home Prescreening  
240.1020 Interim Services  
240.1040 Intense Service Provision  
240.1050 Temporary Service Increase

## SUBPART K: TRANSFERS

Section  
240.1110 Individual Transfer Request - Vendor to Vendor - No Change in Service  
240.1120 Individual Transfer Request - Vendor to Vendor - With Change in Service  
240.1130 Individual Transfers - Case Coordination Unit to Case Coordination Unit  
240.1140 Transfer of Pending Applications  
240.1150 Interagency Transfers  
240.1160 Temporary Transfers - Case Coordination Unit to Case Coordination Unit  
240.1170 Caseload Transfer - Vendor to Vendor  
240.1180 Caseload Transfer - Case Coordination Unit to Case Coordination Unit

## SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section  
240.1210 Administrative Service Contract

## SUBPART M: CASE COORDINATION UNITS AND VENDORS

Section  
240.1310 Standard Contractual Requirements for Case Coordination Units and Vendors  
240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts  
240.1330 General Vendor and CCU Responsibilities (Repealed)  
240.1396 Payment for Services (Repealed)  
240.1397 Purchases and Contracts (Repealed)  
240.1398 Safeguarding Case Information (Repealed)  
240.1399 Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

SUBPART N: CASE COORDINATION UNITS ~~(CCU's)~~

Section  
240.1410 Case Coordination Units ~~(CCU's)~~

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240.1420 Case Coordination Unit ~~(CCU)~~ Responsibilities

## SUBPART O: VENDORS

Section  
240.1510 Vendor Administrative Minimum Standards  
240.1520 Vendor Responsibilities  
240.1530 General Homemaker Staffing Requirements  
240.1535 Homemaker Staff Positions, Qualifications and Responsibilities  
240.1540 General Chore-Housekeeping Staffing Requirements  
240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities  
240.1550 Standard Requirements for Adult Day Care Vendors  
240.1555 General Adult Day Care Staffing Requirements  
240.1560 Adult Day Care Staff Positions, Qualifications and Responsibilities  
240.1565 Adult Day Care Satellite Sites  
240.1570 Adult Day Care Service Availability Expansion  
240.1575 Adult Day Care Site Relocation  
240.1580 Standards for Alternative Providers  
240.1590 Standard Requirements for Individual Chore-Housekeeping Provider Services

## SUBPART P: VENDOR PROCUREMENT

Section  
240.1600 Vendor Procurement  
240.1605 Procuring Vendor Services  
240.1610 Procurement Cycle  
240.1620 Issuance of Vendor Request for Proposal  
240.1625 Content of Vendor Request for Proposal  
240.1630 Criteria for Number of Chore-Housekeeping and Homemaker Vendor Contracts Awarded  
240.1635 Evaluation of Vendor Proposals  
240.1640 Notification of Vendor Awards  
240.1645 Protest or Objection to Vendor Request for Proposal Award Determination  
240.1650 Failure to Maintain Vendor Compliance to Contract  
240.1655 Method of Identification of Type I, II and III Vendor Violations  
240.1660 Vendor Compliance During Contract Period  
240.1665 Vendor Sanctions for Failure to Comply with Community Care Program Contract



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## SUBPART R: ADVISORY COMMITTEES

Section  
240.1800 Policy Advisory Committee  
240.1850 Technical Rate Review Advisory Committee

## SUBPART S: VENDOR RATES

Section  
240.1910 Establishment of Fixed Unit Rates  
240.1920 Contract Specific Variations  
240.1930 Fixed Unit Rates of Reimbursement for Chore-Housekeeping and Homemaker Services  
240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation  
240.1950 Adult Day Care Fixed Unit Reimbursement Rates

## SUBPART T: FINANCIAL REPORTING

Section  
240.2020 Financial Reporting of Chore-Housekeeping and Homemaker Services  
240.2030 Unallowable Costs for Chore-Housekeeping and Homemaker Services  
240.2040 Minimum Direct Service Worker Costs for Chore-Housekeeping and Homemaker Services  
240.2050 Cost Categories for Chore-Housekeeping and Homemaker Services

**AUTHORITY:** Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging (Ill. Rev. Stat. 1987, ch. 23, pars. 6104.02 and 6104.01(1)).

**SOURCE:** Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg.

5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990.

**NOTE:** Bold faced type denotes statutory language.

Section 240.715 ~~Need for Long-Term-Care Determination of Need~~

- a) To be eligible to receive Community Care Program (CCP) services, an individual shall exhibit a need for long term care. The CCP Determination of Need shall be utilized for the purpose of making the determination of a standardized form, specifies the factors which together determine the individual's need for long term care.

- b) The need for long term care is based upon the determined need for a continuum of in-home and community-based services to prevent inappropriate or premature placement in a group an institutional long term care facility. The extent and degree of an applicant's/client's need for long term care shall be determined on the basis of consideration of pertinent medical, social and psychological factors as measured by administration of the CCP Determination of Need. The CCP Determination of Need measures an applicant's/client's ability to perform the following functions:

- 1) ~~telephoning~~
- 2) ~~into/out-of-bed~~
- 3) ~~outside-home~~
- 4) ~~shopping~~
- 5) ~~managing money~~
- 6) ~~preparing meals~~
- 7) ~~eating~~



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~~8)- housework~~

~~9)- laundry~~

~~10)- dressing~~

~~11)- grooming~~

~~12)- bathing~~

~~13)- bowel/bladder~~

~~14)- routine health~~

~~15)- special health~~

~~16)- being alone~~

- c) ~~The determination of functional need scale of the CCP Determination of Need includes the sixteen functions listed in subsection (b) above. Each function is scored in two parts: Part A, Functional Impairment, and Part B, Unmet Need for Care. The extent and degree of an applicant's/client's need for long term care shall be determined on the basis of impaired cognitive and functional status as well as the available physical/environmental supports provided to the applicant/client by family, friends or others in the community.~~

- d) ~~The Determination of Need consists of two parts:~~

~~1) The Mini-Mental Status Examination (Folstein, Folstein and McHugh, 1975) measures cognitive functioning of the applicant/client.~~

~~A) The applicant/client who receives a score equal to or less than ten (10) points shall be considered to be cognitively intact and zero (0) points shall be added to the Part A, Level of Impairment, score on the Determination of Need (Box F).~~

~~B) The applicant/client who receives a score of eleven (11) or more shall be considered to be cognitively impaired and ten (10) points~~

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~~shall be added to the Part A, Level of Impairment, score on the Determination of Need (Box F).~~

- 2) ~~The Determination of Need measures the applicant's/client's ability to perform the following activities of daily living (ADLs) and instrumental activities of daily living (IADLs):~~

~~A) Activities of Daily Living~~

- ~~i) Eating  
ii) Bathing  
iii) Grooming  
iv) Dressing  
v) Transferring  
vi) Incontinence~~

~~B) Instrumental Activities of Daily Living~~

- ~~i) Preparing meals  
ii) Being alone  
iii) Telephoning  
iv) Managing money  
v) Routing health  
vi) Special Health  
vii) Outside home  
viii) Laundry  
ix) Housework~~

- e) ~~The Determination of Need scale includes the six (6) ADLs and nine (9) IADLs identified. Each function is scored in two parts: Part A - Level of Impairment, and Part B - Unmet Need for Care.~~

- d) ~~1) Part A, Functional Level of Impairment, of the CCP Determination of Need measures the extent to which ability of the applicant/client can to perform activities of daily living each ADL and IADL function. On Part A of the CCP Determination of Need, a score A scoring range of zero (0) through three (3) indicates the degree of the applicant's/client's need for assistance in performing the sixteen (16) individual functions specified in subsection (b) - impairment of the applicant/client in the performance of ADLs and IADLs.~~



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- 2+ A) A score of zero (0) for any function indicates that the applicant/client performs or can perform all essential components of the activity, with or without an existing assistive device, such that:
- 2+ 1) no significant impairment of function remains; or
- 2+ 2) activity is not required by the applicant/client (routine health and special health only); or
- 2+ 3) the applicant/client may benefit from but does not require supervision or physical assistance.
- 2+ B) A score of one (1) for any function indicates that the applicant/client performs or can perform most essential components of the activity, with or without an existing assistive device, but some impairment of function remains such that the applicant/client requires some supervision or physical assistance to accomplish some or all components of the activity. This includes the applicant/client who:
- 2+ 1) experiences minor, intermittent fatigue in performing the activity; or
- 2+ 2) takes longer time to accomplish than an unimpaired person requires; or
- 2+ 3) must perform the activity more often frequently than an unimpaired person.
- 2+ C) A score of two (2) for any function indicates that the applicant/client cannot perform most of the essential components of the activity, even with an existing assistive device, and requires a great deal of assistance or supervision to accomplish the activity. This includes the applicant/client who:
- 2+ 1) experiences frequent fatigue or minor

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- 2+ 1) ~~exertion~~ in performing the activity; or
- 2+ 2) takes an excessive amount of time to perform the activity; or
- 2+ 3) must perform the activity much more frequently than for an unimpaired person.
- 2+ D) A score of three (3) for any function indicates that the applicant/client cannot perform the activity and requires someone to perform the task, although the applicant/client may be able to assist in small ways, or requires constant supervision.
- 2+ E) ~~In the event an applicant/client is unable to perform any of the sixteen (16) functions specified in subsection (b), Part B, Unmet Need for Care, of the GCP Determination of Need measures the extent to which other persons are available to assist need of the applicant/client for assistance/performance/supervision for each ADL and IADL function which is not being met by non-GCP resources in the community (e.g. family, friends, local services). On Part B of the GCP Determination of Need, a score of zero (0) through three (3) indicates the resources available to the applicant/client (excluding the Community Care Program) to meet his/her functional needs.~~
- 2+ F) A score of zero (0) for any function indicates that there is no impairment, or that the applicant's/client's need for assistance is met to the extent that the applicant/client is at no risk to health or safety if additional assistance is not acquired, or that additional assistance will not benefit the applicant/client, or that the applicant's/client's needs are being met by non-GCP resources and, therefore, or that the applicant/client has no need for assistance, or that additional assistance will not benefit the applicant/client.
- 2+ G) A score of one (1) for any function



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indicates that the applicant's/client's need for assistance is met most of the time, but the applicant's/client's health and safety are at minimal risk if additional assistance is not acquired.

- 3) C A score of two (2) for any function indicates that the applicant's/client's need for assistance is not met most of the time, and the applicant's/client's health and safety are at moderate risk if additional assistance is not acquired.

- 4) D A score of three (3) for any function indicates that the applicant's/client's need for assistance is seldom rarely, or never, met or the applicant/client will and the applicant's/client's health and safety are at severe risk, which would require acute medical intervention, if additional assistance is not acquired.

- f) The CCP Determination of Need measures an applicant's/client's ability to perform the following functions:

## 1) telephoning

- A) Part A scoring will reflect the applicant's/client's ability to use the telephone to communicate essential needs.
- B) Part B scoring will reflect the availability of assistance, if needed, to help the applicant/client reach and use the telephone or to use the telephone on behalf of the applicant/client.

## 2) into/out of bed

- A) Part A scoring will reflect the applicant's/client's ability to get into or out of bed or other usual sleeping place.
- B) Part B scoring will reflect the availability of assistance, if needed, to aid/motivate the applicant/client in getting into and out

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of bed.

- 3) ~~outside home, shopping, and managing money~~

A) ~~Part A scoring will reflect the applicant's/client's ability to leave and return home and complete daily living tasks which are normally transacted outside of the home.~~

B) ~~Part B scoring will reflect the availability of assistance, if needed, to assist the applicant/client in completing these tasks.~~

4) ~~preparing meals and eating~~

A) ~~Part A scoring will reflect the applicant's/client's ability to plan, prepare, and feed himself/herself a nutritionally balanced meal.~~

B) ~~Part B scoring will reflect the availability of assistance, if needed, to aid the applicant/client in the planning, preparing and feeding of a nutritious meal.~~

5) ~~housework and laundry~~

A) ~~Part A scoring will reflect the applicant's/client's ability to adequately do household and laundry tasks necessary for maintaining minimum hygienic conditions.~~

B) ~~Part B scoring will reflect the availability of assistance and facilities, if needed, to aid the applicant/client in satisfactorily completing all tasks associated with housework and laundry.~~

6) ~~dressing, grooming and bathing~~

A) ~~Part A scoring will reflect the applicant's/client's ability to adequately perform tasks necessary for minimum personal hygiene standards and to appropriately dress himself/herself.~~



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B) ~~Part B scoring will reflect the availability of assistance, if needed, to aid the applicant/client in satisfactorily attending to personal hygiene and dressing tasks.~~

7) ~~bowel/bladder~~

A) ~~Part A scoring will reflect the applicant's/client's ability to respond to bowel and bladder needs, including the ability to use associated devices if necessary.~~

B) ~~Part B scoring will reflect the availability of assistance, if needed, to aid the applicant/client in adequately responding to these biological needs.~~

8) ~~routine health and special health~~

A) ~~Part A scoring will reflect the applicant's/client's ability to perform and/or participate in the performance of medical instructions prescribed by a medical professional in order to maintain the applicant's/client's health.~~

B) ~~Part B scoring will reflect the availability of assistance, if needed, to aid the applicant/client in following through with routine medical instructions or, in the case of specialized medical instructions, the availability of specially trained resources as necessary.~~

9) ~~being alone~~

A) ~~Part A scoring will reflect the applicant's/client's ability to be left alone and to recognize, avoid, and respond to danger/emergencies.~~

B) ~~Part B scoring will reflect the availability of assistance, if needed, to aid and supervise the applicant/client to avoid danger/respond to emergencies.~~

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(Source: Amended at 14 Ill. Reg. 10732, effective July 1, 1990.)

Section 240.720 Clients Prior to July 6, 1992 Effective Date of This Section

For individuals whose eligibility for the Community Care Program (CCP) was determined prior to July 6, 1992, the effective date of this Section and who have been continuously served since that date, determination of initial eligibility shall have their need for long term care shall be established by receipt of a minimum of eleven (11) points, six (6) of which must be scored in Part A, functional impairment, of the CCP the following scores on the Determination of Need:

- a) Individuals scoring from 11 thru 27 points having a combined score on Part A and Part B from zero (0) through twenty-eight (28) points, or who have twenty-nine (29) or more points overall but fail to receive at least fifteen (15) points on Part A shall be eligible for services costing no less than \$1 and not to exceed \$160 monthly;
- b) Individuals scoring from 28 thru 32 points having a combined score on Part A and Part B of twenty-nine (29) points or more with a minimum of fifteen (15) points on Part A shall be eligible for services costing no less than \$1 and not to exceed \$431 monthly; have their need for long term care established in accordance with Section 240.725.
- c) Individuals scoring from 33 thru 45 points shall be eligible for services costing no less than \$1 and not to exceed \$558 monthly;
- d) Individuals scoring from 46 thru 56 points shall be eligible for services costing no less than \$1 and not to exceed \$598 monthly;
- e) Individuals scoring from 57 thru 67 points shall be eligible for services costing no less than \$1 and not to exceed \$717 monthly;
- f) Individuals scoring from 68 thru 78 points shall be eligible for services costing no less than \$1 and not to exceed \$842 monthly;



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g) ~~Individuals scoring from 79 thru 87 points shall be eligible for services costing no less than \$1 and not to exceed \$911 monthly.~~

h) ~~Individuals scoring from 88 thru 96 points shall be eligible for services costing no less than \$1 and not to exceed \$980 monthly.~~

(Source: Amended at 14 Ill. Reg. 10732, effective July 1, 1990.)

Section 240.725 Clients After July 6, 1992 Effective Date of This Section

~~Need for long term care shall be established for individuals whose eligibility for the Community Care Program (CCP) is determined on or after July 6, 1992, the effective date of this Section shall have their need for long term care established by receipt of a minimum score of twenty-eight (28) twenty-nine (29) points, eighteen (18) fifteen (15) of which must be scored in "Part A, Functional Ability" Part A, Level of Impairment, of the Determination of Need.~~

a) Individuals scoring from ~~24~~ 29 thru 32 points shall be eligible for services costing no less than \$1 and not to exceed ~~\$431~~ \$465 monthly.

b) Individuals scoring from 33 thru 45 points shall be eligible for services costing no less than \$1 and not to exceed ~~\$538~~ \$580 monthly.

c) Individuals scoring from 46 thru 56 points shall be eligible for services costing no less than \$1 and not to exceed ~~\$598~~ \$690 monthly.

d) Individuals scoring from 57 thru 67 points shall be eligible for services costing no less than \$1 and not to exceed ~~\$717~~ \$880 monthly.

e) Individuals scoring from 68 thru 78 points shall be eligible for services costing no less than \$1 and not to exceed ~~\$842~~ \$1020 monthly.

f) Individuals scoring from 79 thru 87 points shall be eligible for services costing no less than \$1 and not to exceed ~~\$911~~ \$1200 monthly.

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g) Individuals scoring from 88 thru 96 100 points shall be eligible for services costing no less than \$1 and not to exceed ~~\$980~~ \$1400 monthly.

(Source: Amended at 14 Ill. Reg. 10732, effective July 1, 1990.)

Section 240.855 Applicant/Client Expense for Care

The requirements of Section 240.855 are not applicable to those individuals determined eligible prior to July 6, 1982, and who have had continuous service since that time. Continuous service is defined as service which has not been interrupted by a termination as defined terminated for any of the reasons specified in Section 240.950.

a) An eligible applicant/client of the Community Care Program (CCP) or the applicant's/client's authorized representative shall sign the Client Agreement - Plan of Care agreeing to pay to the vendor a portion of all income in excess of the following thresholds, but not in excess of the federal poverty level to the vendor for expense to be incurred for monthly for care, based upon family size, the number in the family receiving Community Care Program (CCP) services, and the Determination of Need (DON) score for CCP services provided to the eligible applicant/client by the vendor:

| Family Size | 1     | 2     | 3 or more  |
|-------------|-------|-------|--|
| Threshold   | \$426 | \$639 | Add \$89 to \$639 base for each additional family member |

1) Adjustments in the federal poverty level shall be made annually and shall become effective the first day of each State fiscal year.

2) Client payments to the vendor shall not exceed the client's monthly incurred expense for care.

b) Refusal by the eligible applicant/authorized representative to sign the required Client Agreement - Plan of Care for payment of the expense for care to be



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incurred monthly for care, in accordance with this Section, shall result in denial of the application.

- c) Refusal of a by the client/authorized representative to sign the required Client Agreement - Plan of Care for payment of the expense to be incurred monthly for care during a redetermination of eligibility, shall result in termination of CCP services.

(Source: Amended at 14 Ill. Reg. 10732, effective July 1, 1990.)

### Section 240.870 Determination of Applicant/Client Monthly Expense for Care

The amount of the expense which will be incurred monthly for Community Care Program (CCP) services by the eligible applicant/client shall be determined in the following manner:

- a) The amount of the expense which will be incurred for Community Care Program (CCP) services and to be assessed the eligible applicant/client shall be determined by the following criteria Calculate available income by:

- 1) multiplying units of service(s) provided by the following client fixed fee share rates:

Homemaker -- \$5.85 per unit  
Chore Housekeeping -- \$5.30 per unit  
Adult Day Care -- \$18.50 per unit

determining applicant/client/family total monthly non-exempt income, and

- 2) referring to Community Care Program Fee Schedules and utilizing the applicant's/client's available income, as determined by Section 240.055, and the monthly incurred expense for care determined by subsection (a)(1) above deducting the protected income, which is based upon the effective federal poverty level and the number of persons in the family.

- b) The determination of applicant/client expense for care provided by the use of Community Care Program fee Schedules shall be based upon the following criteria

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Determine the applicant's/client's monthly cost for care by multiplying the units of service(s) provided each month to the applicant/client by the following client fixed fee share rates:

Homemaker -- \$5.85 per unit  
Chore Housekeeping -- \$5.30 per unit  
Adult Day Care -- \$18.50 per unit

- 1) For persons scoring up to and including 56 total points on the Determination of Need (DON): Dividing the applicant/client expense to be incurred for care by provision of CCP services, based upon the approved applicant/client plan of care, by the result of 598 multiplied by the number of family members to receive CCP services.
- 2) For persons scoring more than 56 points on the DON: Dividing the applicant/client expense to be incurred for care by provision of CCP services, based upon the approved applicant/client plan of care by the result of 844 multiplied by the number of family members to receive CCP services.
- 3) Multiplying the quotient derived from 1 or 2 above by:  
Total family income minus the applicable threshold (Refer to Section 240.055).

- c) In the event two or more members of a family are receiving Community Care Program services, the selection of (b) 1 or 2 above will depend upon the highest point count scored. Select the appropriate CCP Fee Schedule, based upon:

- 1) the number of persons in the family who are receiving CCP services, and
- 2) a score of 56 or fewer total points or a score of 57 or more total points on the Determination of Need.
- 3) If two or more members of a family are receiving CCP services, the selection of the appropriate Fee Schedule will be based upon the highest point count scored.



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- d) Use the available income and the applicant's/client's monthly cost for care with the appropriate Fee Schedule to determine the amount of applicant/client expense which will be incurred monthly for CCP services.

(Source: Amended at 14 Ill. Reg. 10732, effective July 1, 1990)

## Section 240.920 Reasons for Denial

Denial of Community Care Program (CCP) eligibility shall be based upon one or more of the reasons identified below:

- a) Applicant is less than sixty (60) years of age at the time of the determination of eligibility.
- b) Applicant is not in need of CCP services: scored less than ~~twenty-eight (28)~~ twenty-nine (29) total points/less than ~~eighteen (18)~~ fifteen (15) points in on part A, Functional Level of Impairment, ~~on~~ of the CCP Determination of Need.
- c) Applicant/authorized representative refuses to sign Client Agreement - Plan of Care.
- d) Applicant/authorized representative refuses to pay sign Client Agreement - Plan of Care based upon the expense to be incurred ~~for care~~ monthly as required by Section 240-855 on the Client Agreement - Plan of Care.
- e) Applicant/authorized representative does not agree with plan of care/hours of service.
- f) Applicant is deceased.
- g) Applicant has been institutionalized ~~prior to~~ for more than sixty (60) calendar days from the date of disposition of application.
- h) Applicant/authorized representative voluntarily withdraws application.
- i) Applicant cannot be located to determine eligibility/provide CCP services.
- j) Applicant/authorized representative has not provided reasonable documentation supporting eligibility as

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required by the Department or its Case Coordination Unit (CCU) within sixty (60) calendar days from the date of receipt of the completed application.

- k) Applicant/authorized representative has not cooperated with the Department/CCU/vendor as required and as specified by Section 240.350.
- l) Applicant does not meet citizenship requirements.
- m) Applicant does not meet residency requirements.
- n) A plan of care cannot be developed that adequately meets the applicant's determined needs.
  - 1) Such The determination that an adequate plan of care cannot be developed shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the supportive endorsement that an adequate plan of care cannot be developed shall be so documented.
  - 2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner fails to provide the supportive endorsement, the CCU shall make the determination that an adequate plan of care cannot be developed in accordance with Section 240.715.
- o) The total value of applicant's non-exempt assets ~~are~~ is in excess of \$10,000.
- p) Applicant has not provided the Physician, Nurse Practitioner, Registered Nurse or Christian Science Practitioner endorsement as required by Section 240.730(d).
- q) Eligibility could not be established for an applicant who was receiving interim services based upon presumptive eligibility as required by Section 240.1020.
- r) Applicant/authorized representative provided fraudulent information.
- s) Applicant whose CCP services were previously denied or



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terminated for non-cooperation as set forth in Section 240.350 shall be denied services upon re-application, except as the situation or condition which led to the memorandum of understanding (see Section 240.350) has been permanently resolved.

- t) ~~An~~ Applicant has an outstanding bill for CCP services provided prior to this application which he/she refuses to pay.
- u) Applicant chooses not to receive CCP services from the list of authorized vendors and has so indicated on the Client's Vendor Selection form.
- v) ~~An~~ Applicant received interim services in the past for which an incurred expense was never paid.
- w) Applicant has transferred non-exempt assets within the past two years for the purpose of obtaining CCP services.
- ~~x) Applicant refuses to accept provision of services by a Department authorized vendor.~~
- ~~yx) Applicant/authorized representative has not reported or refused to provide documentation of changes in circumstances which have occurred prior to eligibility determination as required by Section 240.360.~~

(Source: Amended at 14 Ill. Reg. 10732, effective July 1, 1990.)

## Section 240.1020 Interim Services

Interim services are Community Care Program (CCP) services provided to individuals age 60 and over on an interim basis, dependent upon the applicant's presumptive eligibility and subsequent to following prescreening of the applicant.

- a) Presumptive eligibility shall be based upon the following criteria:
  - 1) an application has been completed by an individual age 60 and over, or by the individual's authorized representative, following prescreening.

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- 2) Notification has been received by the appropriate Case Coordination Unit (CCU) from a hospital or from an individual or agency in the community that the applicant is at imminent risk of intermediate Care Facility (ICF) or Skilled Nursing Facility (SNF) nursing facility placement within three (3) work days.
- 3) A Physician, Nurse Practitioner, Registered Nurse, or Christian Science Practitioner has certified in writing that the applicant is unable to remain safely in his/her home without the provision of in-home or community-based services and is, therefore, at imminent risk of ICF or SNF nursing facility placement within three (3) work days. The Physician, Nurse Practitioner, Registered Nurse, or Christian Science Practitioner further certifies that the proposed CCP plan of care will enable the applicant to remain at home safely.
- 4) ~~A CCP~~ The Determination of Need (DON) has been administered and the applicant has received the minimum required score of 18 fifteen (15) points on Part A, Level of Impairment, and a total score of at least 28 twenty-nine (29) points on the DON.
- 5) The applicant has provided declared information on all other CCP eligibility requirements.
- 6) The Interim Client Agreement has been fully executed, the applicant has completed a Client's Vendor Selection form in accordance with Section 240.330, and the vendor has been notified.
- 7) The determination of presumptive eligibility shall be completed and the vendor notified within three (3) work days from the date of receipt of the completed application (or notice of the completion of the application) by the CCU.
- b) When presumptive eligibility has been determined and interim services are approved in accordance with the plan of care, services shall be initiated by the vendor to the applicant within two (2) work days from the date of notification to the vendor of the applicant's



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## presumptive eligibility.

- c) A DON shall be administered in the home of the applicant by the CCU within fifteen (15) calendar days from the date of initiation of services discharge of the applicant from a hospital, or notification by an individual or agency in the community that the applicant is at imminent risk of institutionalization. The formal determination of eligibility for CCP services shall be completed within sixty (60) calendar days from the date of receipt of the completed application (or notice of the completion of the application) by the CCU.

- d) Interim services may continue up to a maximum of sixty (60) calendar days from the date of application pending finalization of the formal determination of eligibility by the CCU. Services shall be denied at any time during the sixty (60) calendar day interim service period:

- 1) if evidence of ineligibility, based upon any eligibility requirement, is determined; or
- 2) if the applicant fails to cooperate in the determination of eligibility process; or
- 3) as specified in Section 240.660, in the event that an applicant's eligibility cannot be determined due to the applicant's failure to provide reasonable documentation (factual information to substantiate provided information when provided information is contradictory or not specific) within sixty (60) calendar days from the date of receipt of the completed application form (or notice of the completion of the application) by the CCU; or

- 4) if a plan of care cannot be developed which adequately meets the applicant's determined needs (see Section 240.920(n)).

- e) Notification of eligibility or ineligibility shall be provided in writing as required by Section 240.940. If eligibility is denied, provision of interim services shall cease on the date of receipt by the vendor of the Case Action Notice.

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(Source: Amended at 14 Ill. Reg. 10732, effective July 1, 1990.)

## Section 240.1950 Adult Day Care Fixed Unit Reimbursement Rates

Adult day care vendors under contract with the Department shall be uniformly reimbursed for the provision of adult day care service at the rates established by the Department. The reimbursable units of adult day care services shall be as follows:

- a) One unit of adult day care service is defined in Section 240.230(c)(1) as a minimum of five (5) direct client contact hours (excluding transportation time) provided to a client.

- 1) The Community Care Program will not reimburse for more than one (1) unit of adult day care service in a twenty-four (24) hour period.

- 2) The rate will reflect a rate differential based upon the following:

- A) for each adult day care client receiving a Determination of Need (DON) score on Part A, Level of Impairment, of 20 twenty-four (24) or less points; or

- B) for each difficult to serve adult day care client receiving a DON score on Part A, Level of Impairment, of 21 twenty-five (25) or more points.

- b) One unit of documented adult day care transportation provided by the adult day care vendor is defined in Section 240.230(c)(2) as a one-way trip per client to or from the adult day care site and the client's home.

- 1) No more than two (2) units of transportation shall be provided per client in a twenty-four (24) hour period.

- 2) A unit of transportation shall not include transportation on outings, trips to physicians, shopping or other miscellaneous trips.

- c) For the adult day care contract specific entities as cited in Section 240.1940(b), the single rate structure



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will apply to all service components described in Section 240.230 with no rate differential for the Determination of Need score or transportation as described in subsections (a)(2)(A), (a)(2)(B), and (b) above.

(Source: Amended at 14 Ill. Reg. 10732, effective July 1, 1990)

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- 1) The Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3) Section Numbers:

|          |           |
|----------|-----------|
| 1501.302 | amendment |
| 1501.501 | amendment |
- 4) Statutory Authority: Ill. Rev. Stat. 1987, Ch. 122, Pars. 102-4 and 102-16
- 5) Effective Date of Amendments: June 25, 1990
- 6) Does this Rulemaking contain an Automatic Repeal Date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 25, 1990
- 9) Notice of Proposal Published in Illinois Register?  
November 27, 1989 13 Ill. Reg. 18025
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
  - . The proposed addition of 1501.302(d)(2)(F) dealing with certificate curricula, was removed.
  - . The definition of "Residency-Applicability-Verification of Status" in 1501.501 was amended to state:

Residency-Applicability-Verification of Status. As part of verification that its credit hours are eligible to receive ICCB grants, each community college district shall adopt a process for verifying the residency status of its students and shall file a description of this process with the ICCB by July 1, 1990. The process shall include the methods for verifying residence as defined in the General Provisions, Special State Provisions, and District Provisions of this subsection. Each district shall file descriptions of any revisions to its process with the ICCB prior to their implementation.



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The definition of "Residency-General Provisions" was amended to state:

Students who move from outside the state or district and who obtain residence in the state or district for reasons other than attending the community college shall be exempt from the 30-day requirement if they demonstrate, through documentation, a verifiable interest in establishing permanent residency.

The definition of "Residency-District Provisions" was amended to state:

"full-time students attending a postsecondary educational institution in the district who have not demonstrated, through documentation, a verifiable interest in establishing permanent residency; and"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? Yes

| Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|----------------------------|
| 1501.517        | amendment       | 14 Ill. Reg. 00014         |

15) Summary and Purpose of Amendments: The purpose of the revision is to clarify the definitions and policies regarding residency.

16) Information and questions regarding these adopted amendments shall be directed to:

David L. Steelman  
Associate Director  
Governmental Relations  
Illinois Community College Board  
509 South Sixth Street, Room 400  
Springfield, Illinois 62701-1874  
Telephone: (217) 785-0028

The full text of the Adopted Amendments begins on the next page:

## ILLINOIS COMMUNITY COLLEGE BOARD

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

| Section  | Definition of Terms   |
|----------|---|
| 1501.101 | Definition of Terms   |
| 1501.102 | Advisory Groups   |
| 1501.103 | Rule Adoption (Recodified)  |
| 1501.104 | Manuals   |
| 1501.105 | Advisory Opinions   |
| 1501.106 | Executive Director  |
| 1501.107 | Information Request (Recodified)  |
| 1501.108 | Organization of ICCB  |
| 1501.109 | Appearance at ICCB Meetings   |
| 1501.110 | Appeal Procedure  |
| 1501.111 | Reporting Requirements  |
| 1501.112 | Certification of Organization   |
| 1501.113 | Administration of Mandatory and Voluntary Annexations and New District Formations |

## SUBPART B: RECOGNITION

| Section  | Definition of Terms    |
|----------|------------------------|
| 1501.201 | Definition of Terms    |
| 1501.202 | Recognition Provisions |
| 1501.203 | Evaluation             |
| 1501.204 | Review and Appeal      |
| 1501.205 | Recognition Standards  |

## SUBPART C: PROGRAMS

| Section  | Definition of Terms                                |
|----------|--|
| 1501.301 | Definition of Terms                                |
| 1501.302 | Units of Instruction, Research, and Public Service |
| 1501.303 | Program Requirements                               |
| 1501.304 | Statewide and Regional Planning                    |
| 1501.305 | College, Branch, and Extension Centers             |
| 1501.306 | State or Federal Institutions (Repealed)           |
| 1501.307 | Cooperative Agreements and Contracts               |
| 1501.308 | Reporting Requirements                             |
| 1501.309 | Course Classification and Applicability            |

## SUBPART D: STUDENTS



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Section  
1501.401 Definition of Terms  
1501.402 Admission of Students  
1501.403 Student Services  
1501.404 Academic Records  
1501.405 Student Evaluation  
1501.406 Reporting Requirements

SUBPART E: FINANCE

Section  
1501.501 Definition of Terms  
1501.502 Financial Planning  
1501.503 Audits  
1501.504 Budgets  
1501.505 Non-Resident Student Tuition Calculations  
1501.506 Published Financial Statements  
1501.507 Credit Hour Grants  
1501.508 Special Populations Grant  
1501.509 Economic Development Grants  
1501.510 Reporting Requirements  
1501.511 Chart of Accounts  
1501.514 Business Assistance Grants (Repealed)  
1501.515 Advanced Technology Equipment Grant  
1501.516 Repair and Renovation Grants  
1501.517 Retirees Health Insurance Grants

SUBPART F: CAPITAL PROJECTS

Section  
1501.601 Definition of Terms  
1501.602 Approval of Capital Projects  
1501.603 State Funded Capital Projects  
1501.604 Locally Funded Capital Projects  
1501.605 Project Changes  
1501.606 Progress Reports (Repealed)  
1501.607 Reporting Requirements  
1501.608 Approval of Projects in Section 3-20.3.01 of the Act  
1501.609 Completion of Projects Under Section 3-20.3.01 of the Act

SUBPART G: STATE COMMUNITY COLLEGE

Section  
1501.701 Definition of Terms  
1501.702 Applicability  
1501.703 Recognition  
1501.704 Programs  
1501.705 Finance  
1501.706 Personnel

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1501.707 Facilities

SUBPART H: PERSONNEL

Section  
1501.801 Definition of Terms  
1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Article II and III of the Public Community College Act (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 122, pars. 102-1 and 103-20.3.01 et seq.)

SOURCE: Adopted at 3 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107, and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990.

SUBPART C: PROGRAMS

Section 1501.302 Units of Instruction, Research, and Public Service

- a) Approval of New Units of Instruction. Each proposed new unit of instruction shall be submitted to the ICCB for approval. The criteria for approval of new units of instruction are:
  - 1) Mission and Objectives.
    - A) The objectives of the unit of instruction are consistent with the mission of the college as set forth in Section 1-2(e) of the Act III//RSM//Stat//1983//EN//202//par. 10172(e).
    - B) The objectives of the unit of instruction are consistent with what the title of the unit of instruction implies.
  - 2) Academic Control.
    - A) The design, conduct, and evaluation of the unit of



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instruction are under the direct and continuous control of the college's established processes for academic planning and quality maintenance, and clear provision is made for ensuring a high level of academic performance of faculty and students.

- B) The admission, course placement, and graduation requirements for the unit of instruction are consistent with the stated objectives of the unit of instruction and with Section 103-17 of the Act where applicable.

- 3) Curriculum. The content of the curriculum ensures that the objectives of the unit of instruction will be achieved.

- A) The range of total number of credit hours required for completion of an associate degree curriculum shall be within the following parameters:

- i) For the Associate in Arts degree and the Associate in Science degree, a total requirement of not less than 60 semester credit hours nor more than 64 semester credit hours or the quarter credit hour equivalent;

- ii) For the Associate in Applied Science degree, a total requirement of not less than 60 credit hours nor more than 72 semester credit hours or the quarter credit hour equivalent, except in such occupational fields in which accreditation or licensure by a state or national organization requires additional coursework; and

- iii) For the Associate in General Studies degree, a total requirement of not less than 60 semester credit hours nor more than 64 semester credit hours or the quarter credit hour equivalent.

- B) Each associate degree curriculum shall include a specific general education component consisting of coursework in communication, arts and humanities, social and behavioral sciences, and mathematics and science within the following parameters:

- i) For the Associate in Arts degree and the Associate in Science degree, the general education component required will represent at least 60 percent of the total number of credit hours for completion;

- ii) For the Associate in Applied Science degree, the general education component required will represent no less than 25 percent nor more than 50 percent of the total number of credit hours required for completion; and

- iii) For the Associate in General Studies degree, the general education component required will represent no less than 30 percent of the total number of credit hours required for completion.

- 4) Faculty and Staff.

- A) The academic preparation and experience of faculty and staff

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ensure that students receive education consistent with the objectives of the unit of instruction.

- B) The involvement of faculty in the unit of instruction is sufficient to cover the various fields of knowledge encompassed by the curriculum, to sustain scholarship appropriate to the unit of instruction, and to ensure curriculum continuity.

- C) Support personnel, including counselors, administrators, clinical supervisors, and technical staff, have the educational background and experience necessary to carry out their assigned responsibilities.

- 5) Support Services.

- A) Facilities, equipment, and instructional resources (e.g., laboratory supplies and equipment, instructional materials, computation equipment) necessary to provide quality instruction will be available and maintained.

- B) Library holdings and acquisitions necessary to support quality instruction and scholarship are available, accessible, and maintained.

- C) Provision is made for the guidance and counseling of students, the evaluation of student performance, the continuous monitoring of progress of students toward their degree or certificate objectives, the placement of completers of the unit of instruction, and appropriate academic record keeping.

- 6) Financing.

- A) The financial commitments to support the unit of instruction are sufficient to ensure that the stated objectives can be attained and that the faculty, staff, and support services necessary to offer the unit of instruction can be acquired and maintained.

- B) Projections of revenues necessary to support the unit of instruction are based upon supportable estimates of general revenue, student tuition and fees, private gifts, and/or governmental grants and contracts.

- 7) Public Information.

The information that the college provides to students and the public accurately describes: the unit of instruction offered; the objectives of the unit of instruction; length of the unit of instruction; residency requirements, if any; schedule of tuition, fees, and all other charges and expenses necessary for completion of the unit of instruction; cancellation and refund policies; and such other material facts concerning the college and the unit of instruction as are likely to affect the decision of the student to enroll.

- 8) Accreditation and Credentialing.

- A) Appropriate steps have been taken to ensure that accreditation of the proposed new unit of instruction will be granted in a reasonable period of time.



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B) The proposed new unit will provide the skills required to obtain individual credentialing (certification, licensure, registration) needed for entry into an occupation as specified in the objectives of the proposed new unit of instruction.

## 9) Program Needs and Priorities.

A) The unit of instruction must be educationally and economically justified based on the educational priorities and needs of the citizens of Illinois and the college's district.

B) The unit of instruction meets a need that is not currently met by units of instruction which are offered by other institutions in the district.

b) Approval of New Administrative Units of Research or Public Service. An application for approval of each proposed new administrative unit of research or public service shall be submitted to the ICCB on forms provided by the ICCB. The criteria for approval of new administrative units of public service or research are:

1) The proposed new administrative unit shall be authorized by the Board of Trustees.

2) The objectives of the proposed new administrative unit are consistent with the mission of the college (see Section 1-2(e) of the Act) ~~§§ Rev-Stat-1983-ch--322-par-302-2(e)~~.

3) The proposed new administrative unit shall meet a district's need to deliver a public service or research program which cannot be met through the district's current structure as indicated by an organizational chart.

4) The proposed new administrative unit shall administer at least one public service or research program.

5) The needs assessment demonstrates that the demand for the public service or research program to be administered by the proposed new unit shall be continuous for at least three years.

6) The district shall provide evidence that the resources for the facilities, equipment and materials, and staff necessary to provide a quality program or service shall be made available to the proposed new administrative unit.

c) Withdrawal. An approved unit of instruction, public service, or research may be withdrawn by the college when it decides to suspend operation of the unit. The withdrawal request shall be reported on forms supplied by the ICCB.

## d) Reasonable and Moderate Extensions.

1) An approved unit of instruction, public service, or research may be modified by the college within the parameters listed in subsection ~~Section-1501-302(d)(2)~~ through (4). The college shall notify the ICCB of such extensions on forms provided by the ICCB.

2) Reasonable and moderate extensions of previously approved units of instruction include:

A) The addition, modification, or withdrawal of courses within an approved unit of instruction which does not alter the

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Objectives of the unit of instruction;

B) A change in minimum credit hours for completion of an approved unit of instruction that does not affect the instructional level of the unit of instruction.

C) A change in title of an approved unit of instruction that does not indicate a different objective of the unit than that previously approved.

D) The creation of an option (major, concentration, or specialization) within an approved unit of instruction in which:

i) the option created is within the same general academic discipline or occupational field as the previously approved unit of instruction,

ii) the option created within a previously approved associate degree curriculum requires the same first-year sequence of courses as the previously approved unit of instruction, and

iii) the option created does not substitute more than twelve (12) semester credit hours of other courses for courses previously approved as part of an associate degree curriculum or substitute more than six (6) semester credit hours of other courses for courses previously approved as part of a certificate curriculum of one year or more.

E) The creation of certificate curricula from previously approved associate degree curricula, providing no new courses are added for certificates of up to thirty (30) semester credit hours or no more than six (6) semester credit hours are substituted in certificates of thirty (30) semester credit hours or more.

3) Reasonable and moderate extensions of previously approved units of research or public service include units with an annual operating expenditure from whatever source of less than \$250,000 or an annual operating expenditure from state appropriations of less than \$50,000.

4) Reasonable and moderate extensions of previously approved units of administration include any administrative reorganization of a college.

e) Approval in a Multi-College District. Approval of new units of instruction, research, or public service in a multi-college district will be for a specific college. Transfer of a unit to, or duplication of a unit by, other colleges within the district constitutes a new unit requiring approval by the ICCB. However, up to nine (9) hours of a program approved at one college may be offered by any other college in the district at the option of the Board.

(Source: Amended at 14 Ill. Reg. 10762, effective June 25, 1990)



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## SUBPART E: FINANCE

## Section 1501.501 Definition of Terms

Advanced Technology Equipment Grant. The Advanced Technology Equipment Grant provides state funds to Illinois public community colleges for the procurement of equipment necessary to upgrade curricula impacted by technological changes. (See Section 2-16.01 of the Act).

Annual Financial Statement. The "annual financial statement," which is required to be published by a district, consists of two parts: an annual financial report, which includes a statement of revenues and expenditures along with other basic financial data; and

an annual program report, which provides a narrative description of programs offered, goals of the district, and student and staff data.

Attendance at Mid-Term. A student is "in attendance at mid-term" in a course if the student is currently enrolled in and actively pursuing completion of the course.

Business Assistance Centers and Economic Development Offices. Business assistance centers and economic development offices are entities at community colleges that conduct, coordinate, and assist with economic development activities.

Economic Development Activities. Economic development activities create or retain jobs and increase employment opportunities.

Economic Development Grants. Economic Development Grants provide funds for conducting economic development activities.

Repair and Renovation Grants. Repair and renovation grants are state grants appropriated to the ICCB and distributed proportionally to each community college district based on the latest fall on-campus non-residential gross square feet of facilities as certified by the ICCB. Such grants are to be utilized for miscellaneous capital improvements including construction, reconstruction, remodeling, improvement, repair, and installation of capital facilities; cost of planning, supplies, equipment, materials, and services; and all other expenses required to complete the work.

Resident-of-a-District--For-purposes-of-ICCB-grants-only-a-resident-of-a-district-is-a-student-who-meets-the-following-criteria:  
if--unemancipated--at-least--one--parent--step-parent--or  
court-appointed-guardian-of--the--student--shall--reside-in-the  
district:

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if-emancipated--the-student-shall-have-lived-in-the-district--in  
some-capacity--other--than--as--a--student--at--a--post-secondary  
education-institution--or--a--resident--of--a--state--or--federal  
correctional-institution--for--a--period--of--at-least-thirty--(30)  
days--prior--to--enrolling--at--the--community-college--unless-evidence  
is-presented--that--the--student--has--permanently--relocated--for  
purposes--other--than--attending--school--Evidence--of--district  
residency--shall--be--based--on--ownership--and/or--occupancy--of--a  
dwelling--in--the--district--and--at-least--one--of--the--following:

An-illinois-driver's-license;

An-illinois-automobile-license-registration;

An-illinois-voter's-registration-card;

A-document-showing-the-student's-past-or-existing-status--as  
a-district-student--e-g--a-high-school-transcript;

Other-non-self-serving-documentation;

Resident-of-illinois--For-purposes--of--payment--of--ICCB-grants--a  
resident--of--illinois--is--a--person--who--meets--the--following--criteria:  
if--unemancipated--at-least--one--parent--step-parent--or  
court-appointed-guardian--of--the--student--shall--reside--in--illinois--  
if-emancipated--the-student-shall-be--a--legal--resident--of--the  
State--of--illinois--and--have--lived--in--illinois--in--some-capacity  
other--than--as--a--student--at--a--post-secondary--education  
institution--for--a--period--of--at-least-thirty--(30)--days--prior--to  
enrolling--at--the--community-college--unless-evidence--is--presented  
that--the--student--has--permanently--relocated--for--purposes--other  
than--attending--school--Evidence--of--legal--residency--shall--be  
based--on--ownership--and/or--occupancy--of--a--home--in--the--State--of  
illinois--and--one--of--the--following:

An-illinois-driver's-license;

An-illinois-automobile-license-registration;

An-illinois-voter's-registration-card;

Employment--in--the--State--of--illinois;

Payment--of--illinois-income-tax;

A-document-showing-the-student's-past-or-existing-status--as  
an-illinois-student--e-g--a-high-school-record;

Other-non-self-serving-documentation;

Residency - Applicability-Verification of Status. As part of  
verification that its credit hours are eligible to receive ICCB  
grants, each community college district shall adopt a process for  
verifying the residency status of its students and shall file a  
description of this process with the ICCB by July 1, 1990. The  
process shall include the methods for verifying residency as defined  
in the General Provisions, Special State Provisions, and District  
Provisions of this subsection. Each district shall file descriptions  
of any revisions to its process with the ICCB prior to their  
implementation.



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Residency - General Provisions. The following provisions apply both to state and district residency definitions:

- To be classified as a resident of the State of Illinois or of the community college district, each student shall have occupied a dwelling within the state or district for at least 30 days immediately prior to the date established by the district for classes to begin.
- The district shall maintain documentation verifying state or district residency of students.
- Students occupying a dwelling in the state or district who fail to meet the 30-day residency requirement may not become residents simply by attending classes at a community college for 30 days or more.
- Students who move from outside the state or district and who obtain residence in the state or district for reasons other than attending the community college shall be exempt from the 30-day requirement if they demonstrate, through documentation, a verifiable interest in establishing permanent residency.

Residency - District Provisions. Students shall not be classified as residents of the district where attending even though they may have met the general 30-day residency provision if they are:

- federal job corps workers stationed in the district;
- members of the armed services stationed in the district;
- inmates of state or federal correctional/rehabilitation institutions located in the district;
- full-time students attending a postsecondary educational institution in the district who have not demonstrated, through documentation a verifiable interest in establishing permanent residency; and
- students attending under the provisions of a chargeback or contractual agreement with another community college.

Residency - Special State Provisions. Students shall be classified as residents of the state without meeting the general 30-day residency provision if they are:

- federal job corps workers stationed in Illinois;
- members of the armed services stationed in the district;
- inmates of state correctional/rehabilitation institutions located in Illinois; or
- employed full time in Illinois.

Special Populations Grant. A "special populations grant" provides funding for:

Special or extra services to assist special populations students to initiate, continue, or resume their education, including tutoring, educational and career counseling, referrals to

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external agencies, and testing/evaluation to determine courses or services needed by a special populations student.

Courses (not funded through credit hour grants) to provide the academic skills necessary to remedy or correct educational deficiencies to allow the attainment of educational goals, including remedial, adult basic education, adult secondary education, and English as a Second Language courses.

Special Populations Student. A "special populations student" is a student with a social, physical, developmental, or academic disability that makes it difficult for such a student to adapt to a college environment designed for the non-disadvantaged. This may include students from minority racial/ethnic groups. Colleges shall designate which of their students are special populations as determined by teacher and counselor evaluations and various standardized tests selected by the colleges.

(Source: Amended at 14 Ill. Reg. 10762, effective June 25, 1990)



## NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting

- 2) CODE CITATION: 17 Ill. Adm. Code 530

- 3) SECTION NUMBERS: ADOPTED ACTION:

Amendments  
530.10  
530.20  
530.80  
Amendments  
530.90  
Amendments  
530.100  
Amendments  
530.105  
530.110  
530.120

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29).

- 5) EFFECTIVE DATE OF AMENDMENTS: June 20, 1990

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 19, 1990

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 16, 1990, 14 Ill. Reg. 3720

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

The references to "Ill. Rev. Stat." were updated to the "1989" version.

In the Main Source Note, following the October 16, 1986 emergency, "emergency expired March 15, 1987" was added.

In Section 530.80(a)(5), "October 31" was changed to "November 7".

In Section 530.110(e), Chain O'Lakes, following "non-fee season" the following was added ", which is December 17,".

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In Section 530.110(e), Johnson-Sauk Trail, a closing parentheses was added at the end of the paragraph.

In Section 530.110(e), Mazonia State Fish and Wildlife Area, a period was added at the end of the paragraph.

In Section 530.110(e), Sand Ridge, following "final game bird release" the following was added "[game birds will be released every Tuesday and Friday commencing on the first day of the season, November 3 and terminating once all game bird production which is made up of quail and pheasant, have been released.]". Also in this paragraph, "17 Ill. Adm." was changed to "17 Ill. Adm."

In Section 530.110(e), Ten Mile Creek, following "February 15" the following was added "to the District Wildlife Manager, 700B West Lafayette, P.O. Box 313, Olney, IL 62450."

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

- 15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this Part were based upon biological surveys and data analyses which have resulted in the determination that modifications to upland hunting regulations are necessary to maintain and manage healthy populations of upland species.

The changes include updating season dates, clarifying and simplifying the permit process, and expanding/modifying/decreasing hunting programs at state-owned or managed sites as recommended following evaluation of site specific resources.

- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:



DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFE

PART 530  
COCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL  
RABBIT AND CROW HUNTING

- Section  
530.10 Statewide General Regulations  
530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations  
530.30 Statewide Hungarian Partridge Regulations (Repealed)  
530.40 Statewide Bobwhite Quail Regulations (Repealed)  
530.50 Statewide Rabbit Regulations (Repealed)  
530.60 Statewide Crow Regulations  
530.70 Controlled Pheasant Hunting Sites Permit Requirements  
530.80 Controlled Pheasant Hunting Regulations  
530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements  
530.100 Illinois Youth Pheasant Hunting Regulations  
530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Various Department-Owned or -Managed Sites  
530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites  
530.120 Regulations for Hunting Crow at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.3, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.3, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29).

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendments at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendments at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348,

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effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990.

Section 530.10 Statewide General Regulations

- a) Shooting preserve areas licensed pursuant to Section 3.27 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 3.27) and managed pursuant to Sections 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 3.28 and 3.29) are exempt from all provisions in this Part except for those pertaining to rabbit and crow in Section 530.20 and 530.60.
- b) To identify those hunters required to wear blaze orange during the firearm deer hunting season pursuant to Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.26), upland game shall be defined as the following species: crow, quail, cock pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock.

(Source: Amended at 14 Ill. Reg. 10775, effective June 20, 1990)

Section 530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations

- a) Zones: South zone consists of all lands south of the line ~~from that~~ follows U.S. Route 36 from the Indiana State line to Springfield, Route 29 from Springfield to Pekin and Route 9 from Pekin to Dallas City, then due west to the Mississippi River; north zone is the remainder of the State.

b) Season dates:

North (all species) - November 4, 1989, 1990 - January 1, 1991

South (all species but rabbits) - November 4, 1989, 1990 - January 7, 1991

South (rabbits) - November 4, 1989, 1990 - January 15, 1991

c) Hunting hours: Sunrise until sunset.

d) Daily limit:



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Cock Pheasant - 2  
 Bobwhite Quail - 8  
 Hungarian Partridge - 2  
 Rabbit - 4

- e) Possession limit (after the first day of the hunting season):

Cock Pheasant - 4  
 Bobwhite Quail - 16  
 Hungarian Partridge - 4  
 Rabbit - 8

- f) Cock pheasant may be hunted only; hen pheasants are illegal to take or possess, except as specified on controlled hunting areas operated pursuant to Sections 1.13 or 3.27 of the Wildlife Code (Ill. Rev. Stat. 1987-1989, ch. 61, pars. 1.13 or 3.27) or at sites listed in Section 530.105 and as provided for on designated sites in Section 530.110, and except that hens may be taken by falconry methods as described in 17 Ill. Adm. Code 1590, Falconry and the Captive Propagation of Raptors.

(Source: Amended at 14 Ill. Reg. 10775, effective June 20, 1990)

## Section 530.80 Controlled Pheasant Hunting Regulations

- a) The controlled hunting season is November 27 through December 16, both dates inclusive, with the following exceptions:

- 1) All areas will be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season.
- 2) All areas are open to the Illinois Youth Pheasant Hunting Program only on November 21.
- 3) The controlled hunting season on the Green River State Wildlife Area (Lee County Conservation Area) is November 27 through November 15, November 22 through December 16 and December 21 through December 23.
- 4) The controlled hunting season on the Iroquois County

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State Wildlife Area is November 10 through October 31 through November 15, November 22 through December 10 and December 14 through December 16.

- 5) The controlled hunting season on Chain O'Lakes State Park is November 7 through December 9.

- 6) The controlled hunting season on the Wayne Fitzgerald State Recreation Area is November 7 through November 15 and November 21 through December 21.

- b) Hunting hours are from 9:00 a.m. to 4:00 p.m. Hunters with reservations are required to check in at the check station between 7:00 a.m. and 8:00 a.m. Reservations are void after 8:00 a.m.

- c) When daily quotas are not filled, permits will be issued on a first-come, first-served basis until 12:00 Noon.

- d) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession. A \$10.00 Daily Usage Stamp must be purchased at each area.

- e) Hunters are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches. Hunters must also wear a back patch issued by the check station.

- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area when he checks in. All such game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.

- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used, except at the Wayne Fitzgerald State Recreation Area where only shot shells with a shot size of No. 3 steel or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.



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- h) Non-hunters are not allowed in the field.
- i) Hunters under 16 years of age must be accompanied by an adult hunter.

- j) Pheasants only may be taken. Daily limit:

Two pheasants of either sex at Eldon Hazlet State Park, Chain O'Lakes State Park, Iroquois County State Wildlife Area, Moraine View State Recreation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Recreation Area, Des Plaines State Fish and Wildlife Area and Green River State Wildlife Area (Lee County Conservation Area).

- k) Tagging of birds.

All pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season.

- l) Hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.

(Source: Amended at 14 Ill. Reg. 10775, effective June 20, 1990)

### Section 530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements

- a) Applicants must contact the Department to obtain a permit reservation (except for Sangchris Lake and Railsplitter State Park). Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to five reservations will be sent confirmation. Up to five reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.

- b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration

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of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

- c) ~~Applicants must be between the ages of 10-15 inclusive.~~ The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information (except Sangchris Lake and Railsplitter State Park) write to:

Illinois Department of Conservation  
Permit Office - Pheasant  
Lincoln Tower Plaza  
524 South 2nd Street - Second Floor  
Springfield, Illinois 62701-1787

- d) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines State Fish and Wildlife Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County State Wildlife Area, Moraine View State Recreation Area, Wayne Fitzgerald (Rend Lake) State Recreation Area, Richland County Controlled Pheasant Hunting Area, Green River State Wildlife Area (Lee County Conservation Area) and Horseshoe Lake Recreation Area (Madison County).

- e) Permits for the Youth Pheasant Hunt at Sangchris Lake State Park will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Applications for the drawing will be accepted during the period from November 1 through November 15. Applicants must be between the ages of 10-15 inclusive. The drawing will be conducted at the Sangchris Lake site office on November 16. Permits available after the drawing will be allocated on a first-come basis from the site office. Formal application blanks are not necessary to enter the drawing. Applicants will list on a plain piece of paper their name, mailing address, birthdate, and their first, second and third choice of hunting areas (Middle Peninsula-access by personal boat only, North Mainland, or East Mainland). Applications should be sent to:

Sangchris Lake Upland Game Permit (Youth)

Sangchris Lake State Park, R.R. 1, Rochester, IL



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- f) Permits for the Youth Hunt at Railsplitter State Park will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Applications for the drawing will be accepted during the period from November 1 through November 15. Applicants must be between the ages of 10-15 inclusive. The drawing will be conducted at the Railsplitter site office on November 16. Permits available after the drawing will be allocated on a first-come or first-call basis from the site office. Formal application blanks are not necessary to enter the drawing. Applicants will list on a plain piece of paper their name, mailing address, birthdate, and their first, second and third choices of hunt dates. Applicants should be sent to:

Railsplitter Upland Game Permit (Youth)  
 Railsplitter State Park  
 R.R. 3  
 Lincoln, IL 62656

(Source: Amended at 14 Ill. Reg. 10775, effective June 20, 1990)

## Section 530.100 Illinois Youth Pheasant Hunting Regulations

- a) The Illinois Youth Pheasant Hunt will be November ~~12-1991~~, 1990, except at Sangchris Lake State Park where the hunt will be December ~~16, 19898~~, 1990, and at Railsplitter State Park where the hunt will be December ~~2, 3 and 16, 19891~~, 2 and 8, 1990.
- b) Hunting hours are from 9:00 a.m. to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 8:00 a.m. and 8:30 a.m. at Sangchris Lake and Railsplitter State Park).
- c) All hunters must be between the ages of 10 and 15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Railsplitter State Park.
- d) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory

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adult. If the hunter does not have a valid Firearm Owner's Identification Card (FOID), the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card.

- e) Hunters and supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must also wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used, except at the Wayne Fitzgerald State Recreation Area where only shot shells with a shot size of No. 3 steel or smaller may be used.
- h) Daily limit.
- 1) Two pheasants of either sex at Eldon Hazlet State Park, Chain O'Lakes State Park, Iroquois County State Wildlife Area, Green River State Wildlife Area (Lee County Conservation Area), Des Plaines State Fish and Wildlife Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Recreation Area, Moraine View State Recreation Area and Horseshoe Lake State Recreation Area (Madison County).
- 2) Two cock pheasant, eight quail and four rabbits, at Sangchris Lake State Park.
- 3) Two cock pheasant and four rabbits at Railsplitter State Park.
- i) All pheasants must be affixed with a Department tag before they are removed from the area (except Sangchris



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Lake and Railsplitter State Park).

(Source: Amended at 14 Ill. Reg. 10775, effective June 20, 1990)

Section 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) All hunters must wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches.
- c) All areas are closed to hunting Mondays and Tuesdays, Christmas Day and New Year's Day, with the following exceptions: non-fee rabbit hunting is allowed every Monday and Tuesday at Ramsey Lake State Park, which is closed on Christmas Day and New Year's Day; hunting hours are 9:00 a.m. to 3:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Kankakee River State Park, Silver Springs State Park, Sand Ridge State Forest and Site M Controlled Quail and Pheasant Hunting Area).
- d) All hunting must be done with shotgun or bow and arrow. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.
- e) All pheasants and quail must be affixed with a Department tag before they are removed from the area.
- f) A drawing will be held at the site for hunter quotas: a \$10.00 daily usage stamp is required opening date through the day following the final game bird release.
- g) When daily quotas are not filled, hunters will be allowed to check in on a first-come first-served basis until 1:00 p.m.
- h) The Department will announce by public news release the registration time and quota to be filled.
- i) Hunters are required to deposit their hunting license in

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.

- j) A back patch issued at the check station must be worn while hunting.
- k) Non-hunters are not allowed in the field.
- l) Hunters will not leave the site without first checking out.
- m) Pheasants of either sex may be harvested except at the Site M Controlled Quail and Pheasant Hunting Area where only cock pheasants may be harvested.
- n) Statewide regulations as provided for in this Part apply at the following sites, except as noted above and in parentheses below:

Horseshoe Lake State Park ~~Recreation Area~~ (Madison County) (hunting season opens the first hunting day after the close of the duck hunting season)

Johnson-Sauk Trail State Park

Kankakee River State Park (Hunters must check out by 3:15 p.m. ~~7-closed-first-firearm-deer-season~~)

Ramsey Lake State Park

Sand Ridge State Forest

Silver Springs State Park (Hunters must check out by 3:15 p.m.)

Site M Controlled Quail and Pheasant Hunting Area  
Washington County Conservation Area

(Source: Amended at 14 Ill. Reg. 10775, effective June 20, 1990)

Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned



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## or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 --General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Flu flu arrows only may be used by bow and arrow hunters.
- c) Hunters engaged in quail, rabbit, pheasant, or Hungarian partridge hunting must wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches at all Department-owned or -managed sites.:
- d) The Department will announce by public news release the registration time and quota to be filled at sites where the hunter quota will be filled by drawing at the sites.
- e) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

AMAX Leased Lands

## Anderson Lake Conservation Area

## Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area (season - the day after the close of the duck season - until statewide closing)

## Big Bend Conservation Area

Big River State Forest (no hunting during firearm deer season)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers-managed lands

Carlyle Lake Wildlife Management Area (no hunting in the subimpoundment area 3 days prior to and during duck season)

Chain O'Lakes State Park - (opens Wednesday after permit pheasant season for five consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; hunters must check in and check out; daily

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quota filled on first-come, first-serve basis; DOC issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used; pheasants of either sex may be taken; hens must be tagged with Department tag at the check station before leaving the area; falconry hunting permitted from the Monday after the non-fee season, which is December 17 through January 31 except closed Christmas Day; free permit required, obtain from site office; harvest must be reported by February 15 or hunting privileges for following year will be forfeited)

Clinton Lake State Recreation Area (8:00 a.m. - 4:00 p.m.; hunters must check in and check out; DOC issued back patch must be worn while hunting; hunters surrender hunting license while hunting)

## Crawford County Conservation Area

Des Plaines Fish and Wildlife Area (opens Wednesday through Sunday after permit pheasant season, and the following Wednesday through Sunday only; closed on Christmas Day and New Year's Day; 9:00 a.m. to 4:00 p.m.; check in and check out required; daily quota filled by first-come, first-serve basis; hunters must wear DOC issued back patch while hunting; hunters must check out by 4:15 p.m.; only shot size of No. 5 lead or No. 3 steel or smaller may be used; pheasants of either sex may be taken; hens must be tagged with Department tag at the check station before leaving the area)

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and West of Peppenhurst Branch only)

## Ferne Clyffe State Park

Fort De Chartres Historic Site (hunting with muzzle-loading shotgun or bow and arrow only)

Fort Massac State Park (~~8:00 a.m. to 4:00 p.m.~~)

Giant City State Park (8:00 a.m. to 4:00 p.m.)

Green River State Wildlife Area (Lee County



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Conservation Area) (hunting for rabbit and quail on Monday and Tuesday only during the permit pheasant season; pheasant hunting permitted two days following close of permit pheasant season; either sex may be taken; hens must be tagged)

Hamilton County Conservation Area (8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Public Hunting Area-Alexander County (Waterfowl Permit Area closed)

## I-24 Wildlife Management Area

Iroquois County State Wildlife Area (season opens two days after the pheasant permit season closes and runs for 5 consecutive days; 8:00 a.m. to 4:00 p.m.; hunters must check in and check out and wear Department issued back patch while hunting; pheasants of either sex may be taken, hen pheasants must be tagged with Department tag at the check station before leaving the area)

Johnson-Sauk Trail State Park (drawing at site for hunter quota; 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continues until the close of the season, except closed Christmas Day, and Mondays and Tuesdays (only shot size of No. 5 lead or No. 3 steel or smaller may be used).)

Jubilee College State Park (Sunrise to 4:00 p.m.)

Kankakee River State Park (9:00 a.m. to 3:00 p.m.; non-fee hunting opens the Wednesday after the final game bird release for five consecutive days or until the end of the season, whichever comes first; closed Christmas Day, New Year's Day and Mondays and Tuesdays; hunters must check in and check out; daily quota filled by drawing at 8:30 a.m.; hunters must check out by 3:15 p.m.; DOC back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used)

Kaskaskia River Fish and Wildlife Area (except Doza Creek Waterfowl Management Unit closed 3 days prior to and during duck season)

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Kickapoo State Park (8:00 a.m. to 4:00 p.m.; no hunting during firearm deer season; hunters must check in and check out and report harvest; DOC issued back patch must be worn while hunting during the first 9 days of the season)

Lake Kinkaid Fish and Wildlife Area

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mackinaw River State Fish and Wildlife Area (first 10 days of season, sunrise to 4:00 p.m.; daily usage quota filled on first-come basis; rabbit hunting only reopens the third Saturday in December for 9 consecutive days)

Marseilles Fish and Wildlife Area (no hunting during firearm deer season)

Marshall State Fish and Wildlife Area (no hunting during firearm deer season)

Mazonia State Fish and Wildlife Area (opens the first day after the close of the Central Zone duck season, except will not open on a Monday or Tuesday; hunting hours 9:00 a.m. - 3:00 p.m.; only shot size of #5 lead or #3 steel or smaller may be used; check in and check out required; hunter quota filled by daily drawing for first seven days of season; to participate in daily drawing, hunters must check in by 8:30 a.m.; DOC issued backpatch must be worn during first seven days; after the first seven days, hunters must sign in and sign out and report harvest; area closes at 3:30 p.m. daily; closed Christmas Day).

Mermet Conservation Area

Middlefork Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.; no hunting during the firearm deer season; hunters must check in and check out and report harvest; DOC issued back patch must be worn while hunting during the first 9 days of the season)



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Mississippi River Pools 16, 17, 18, 21, 22, 24, 25 and 26

Moraine View State Park (rabbit hunting only permitted on Mondays and Tuesdays of permit pheasant hunting season when hunters must sign in and sign out at check station, and wear DOC issued back patch; hunting for pheasant and rabbit is permitted from the day after the permit pheasant season for five consecutive days when hunters must check in and check out and wear DOC issued back patch while hunting; pheasants of either sex may be taken during this period; hen pheasants must be tagged with DOC tag at check station; hunting hours for both periods are 8:00 a.m. to 4:00 p.m.; hunting for pheasant, rabbit and quail by falconry methods permitted October 1 through two days before permit pheasant season opens and per regulations in 17 Ill. Adm. Code 1590; falconry hunters must obtain free permit from site office before hunting and report harvest by December 1; failure to report harvest will result in loss of hunting privileges the following year)

## Panther Creek Conservation Area

Pike County Conservation Area (no hunting after November 30 in Area A)

Pyramid State Park (8:00 a.m. to 4:00 p.m.)

Railsplitter State Park (a pheasant and rabbit hunting program will be conducted 1 day only on December 17, 1999, 1990; Railsplitter Upland Game permits will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Applications for the drawing will be accepted during the period from November 1 through November 15. The drawing will be conducted at the Railsplitter site office on November 16. Permits available after the drawing will be allocated on a first-come basis from the site office. Formal application blanks are not necessary to enter the drawing. Applicants will list on a plain piece of paper their name, mailing address and birthdate. Applications should be sent to: Railsplitter Upland Game Permit (Adult), Railsplitter State Park, R.R. 3, Lincoln, IL 62656.

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Each permittee must check in at the site office between 8:00 a.m. and 8:30 a.m. and exchange his hunting license and Railsplitter Upland Game Permit for a back patch to be worn while in the field. Hunting hours are 8:30 a.m. to 4:00 p.m. Each hunter must check out and report his harvest at the hunter check station by 4:00 p.m. Statewide bag limits of 2 cock pheasants and 4 rabbits are in force; it is unlawful to hunt in restricted areas; hunting for pheasant, quail and rabbit by falconry methods will be permitted from the last Sunday in October through the first Sunday in November per regulations in 17 Ill. Adm. Code 1590; the season will close prior to the first Sunday in November upon the harvest of 10 hen pheasants; falconry hunters must sign in at the site office before hunting and sign out immediately after hunting and report their harvest)

Ramsey Lake State Park (drawing at site for hunter quota; 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continues until the close of the season, except closed Christmas Day, New Year's Day and Mondays and Tuesdays; only shot size of No. 5 lead or No. 3 steel or smaller may be used)

## Randolph County Conservation Area

Red Hills State Park (8:00 a.m. to 4:00 p.m.)

## Rend Lake Wildlife Management Area

## Rockhouse Creek (Monroe County)

Saline County Conservation Area (8:00 a.m. to 4:00 p.m.)

Sam Dale Conservation Area (8:00 a.m. to 4:00 p.m.)

Sam Parr Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (drawing at 8:30 a.m. at site for hunter quota; hunting hours are 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release [game birds will be released every Tuesday and Friday commencing on the



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first day of the season, November 3 and terminating once all game bird production which is made up of quail and pheasant, have been released and continued until the close of the season, except closed Christmas Day, New Year's Day and Mondays and Tuesdays: only shot size of No. 5 lead or No. 3 steel or smaller may be used; hunting for pheasants, rabbit and quail by falconry methods will be permitted on Mondays and Tuesdays during the Controlled Quail and Pheasant Program season dates per regulations in 17 Ill. Adm. Code 1590; it is unlawful to hunt by falconry methods in the vicinity of bird releases as birds are being released; falconry hunters must obtain a free permit from site office before hunting and report harvest by January 15; failure to report harvest will result in loss of hunting privileges the following year.

## Sangamon County Conservation Area

## Sanganois Conservation Area

Sangchris Lake State Park (a pheasant, quail, and rabbit hunting program will be conducted 1 day only on December 7, 1989, 1990; Sangchris Lake Upland Game Permits will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Applications for the drawing will be accepted during the period from November 1 through November 15. The drawing will be conducted at the Sangchris Lake site office on November 16. Permits available after the drawing will be allocated on a first-come basis from the site office. Formal application blanks are not necessary to enter the drawing. Applicants will list on a plain piece of paper their name, mailing address, birthdate, and their first, second, and third choice of hunting areas (Middle Peninsula-access by personal boat only, North Mainland, or East Mainland). Applications should be sent to: Sangchris Lake Upland Game Permit (Adult), Sangchris Lake State Park, R.R. 1, Rochester, IL 62563. Each permittee must check in at the site office between 8:00 a.m. and 8:30 a.m. and exchange his hunting license and Sangchris Lake Upland Game permit for a back patch to be worn while in the field. Hunting hours are 8:30 a.m. to 4:00 p.m. Each hunter must check out and report his

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harvest at the hunter check station by 4:00 p.m. Statewide bag limits of 2 cock pheasants, 4 rabbits, and 8 quail are in force. Rabbit hunting will be permitted at Sangchris Lake State Park from December 23, 1989, through the end of the season 22, 1990 through December 31 except on Christmas and New Year's Day; hunter quota will be announced by public news release; Daily Sangchris Lake Rabbit Hunting Permits will be issued on a first-come basis at the site office between 8:00 a.m. and 9:00 a.m. on each respective hunting day. Hunters must possess a Sangchris Lake Rabbit Hunting Permit at all times when hunting. Hunting hours are 8:30 a.m. to 4:00 p.m. Each hunter must check out and report his harvest at the hunter check station by 4:00 p.m. Statewide bag limit of 4 rabbits is in force)

Shawnee National Forest, LaRue Scatters (sunrise - noon)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir, west of the Big Muddy Levee, sunrise - noon during statewide waterfowl season; after waterfowl season statewide hours; steel shot only)

Silver Springs State Park (9:00 a.m. to 3:00 p.m.; non-fee hunting opens the Wednesday after the final game bird release and runs for five consecutive days or until the end of the season, whichever comes first; closed Christmas Day, New Year's Day and Mondays and Tuesdays; hunters must check in and check out; daily quota filled by drawing at 8:30 a.m.; hunters must check out by 3:15 p.m.; DOC issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used; hunting for pheasant, rabbit and quail by falconry methods permitted October 1 through two days before permit pheasant season opens and per regulations in 17 Ill. Adm. Code 1590; falconry hunters must obtain free permit from site office before hunting and report harvest by December 1; failure to report harvest will result in loss of hunting privileges the following year)

Site M - Land leased from Commonwealth Edison in Cass County (In designated areas hunting will be allowed on weekends as announced by the Department. Hunting is limited to shotgun only in these areas.



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A hunter quota of 100 hunters is established on a first-come, first-served basis. In addition tenants of the site and their immediate families (tenant is a person who lives on the land; immediate family is any person (s) living with the tenant on the land) will be allowed to hunt. Check in time is one-half hour before sunrise and all hunters must check in and out through the check station. Hunters other than tenants and immediate families will be assigned to a designated hunting area to begin hunt; after one hour of hunting, hunters may move to other areas at this site; parking is permitted at designated parking areas only)

Snake Den Hollow Fish and Wildlife Area (season - the day after the close of goose season until the statewide closing)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; permits must be returned by February 15 to the District Wildlife Manager, 700B West Lafayette, P.O. Box 313, Olney, IL 62450; parking card must be displayed in windshield while hunting)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area (drawing at site for hunter quota; 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continues until the close of the season, except closed Christmas Day, New Year's Day and Mondays and Tuesdays; only shot size of No. 5 lead or No. 43 steel or smaller may be used)

Wayne Fitzgerald State Recreation Area (rabbit hunting only. Daily drawing at the site. Show up time 8:00 a.m. Hunting hours 9:00 a.m. through 3:00 p.m. daily. Hunting opens ~~Monday, December~~

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~~Wednesday, December 26 through Sunday, December 24~~  
~~Tuesday, January 1, 1991. Only shot size of No. 3 steel or smaller may be used).~~

Weinberg-King State Park

Wildcat Hollow State Forest

- f) Statewide regulations as provided for in this Part apply at the following sites, with additional regulations in parentheses. In addition, a free permit is required, which is obtained from each site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at that particular site for the following year.

Eagle Creek State Park

Fox Ridge State Park

Hidden Springs State Forest (no hunting during firearm deer season)

Lake Shelbyville Eagle Creek Wildlife Management Area

(Source: Amended at 14 Ill. Reg. 10775, effective June 20, 1990)

### Section 530.120 Regulations for Hunting Crow at Various Department-Owned or -Managed Sites

- a) Statewide regulations as provided for in this rule for crow hunting apply at the following site (dates are in parentheses):

#### AMAX Leased Lands

Mississippi River Pools 16, 17, 18

Panther Creek Conservation Area

Pike County Conservation Area (July 1 through August 15)

- b) Statewide regulations as provided for in this rule for crow hunting apply, except hunting is permitted only



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during the second portion of the season at the following sites (dates are in parentheses):

Anderson Lake Conservation Area (after Waterfowl season closes, but not before December 15, through March 1)

Big Bend Conservation Area (December 15 through March 1)

Big River (December 15 through March 1)

Silver Springs State Park (Day after site's upland game season closes, but not before December 15, through March 1, check in and check out required. Hunters must report harvest before leaving site)

Trail of Tears (December 15 through March 1)

- c) All hunters must make a reasonable effort to retrieve all crippled birds. All crows taken must be removed from the site by the hunter.

(Source: Amended at 14 Ill. Reg. 10775, effective June 20, 1990)

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- 1) HEADING OF THE PART: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting

- 2) CODE CITATION: 17 Ill. Adm. Code 550

- 3) SECTION NUMBERS: ADOPTED ACTION:

550.10 Amendments  
550.20 Amendments  
550.30 Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29).

- 5) EFFECTIVE DATE OF AMENDMENTS: June 20, 1990

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 19, 1990

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 16, 1990, 14 Ill. Reg. 3776

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 550.30(c), Banner Marsh, the paragraph was changed to read in part "... to coincide with the site where upland game is hunted (see Section 530.10(b) and 530.20(b)) and site archery deer hunting seasons (see Section 670.10))."

In Section 550.30(c), Kickapoo State Park, the following was added at the end of the paragraph "to the Park Office, R.R. 1, Box 374, Oakwood, IL 61858."; this language was also added at the end of the paragraph on Middlefork Fish and Wildlife Area, Ten Mile Creek State Fish and Wildlife Area and Trail of Tears State Forest.

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT.



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REPEALER) CURRENTLY IN EFFECT? NO

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? NO

15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to furbearer hunting regulations are necessary to maintain and manage healthy populations of furbearers.

The changes include expanding/modifying/decreasing hunting programs at state-owned or managed sites as recommended following evaluation of site specific resources.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

## PART 550

RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX,  
GRAY FOX, COYOTE AND WOODCHUCK (GROUNDHOG) HUNTING

## Section

550.10 General Regulations

550.20 Statewide Regulations

550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

**AUTHORITY:** Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987-1989, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29).

**SOURCE:** 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendments at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990.

## Section 550.10 General Regulations

a) It is unlawful to hunt raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) in counties open for deer hunting during the firearm deer hunting season as specified in 17 Ill. Adm. Code 650.10, except coyotes may be taken during legal deer hunting hours, only with a shotgun loaded with rifled slugs or a muzzle-loading firearm, and only by persons in possession of a valid unfilled firearms deer permit.

b) Shooting preserve areas licensed pursuant to Section 3.27



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of the Wildlife Code (Ill. Rev. Stat. 1987-1989, ch. 61, par. 3.27) and managed pursuant to Sections 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1987-1989, ch. 61, pars. 3.28 and 3.29) are exempt from the provisions of this part.

(Source: Amended at 14 Ill. Reg. 10798, effective June 20, 1990)

## Section 550.20 Statewide Regulations

## a) Raccoon, Opossum

1) Zones: The State of Illinois is divided by U. S. Rt. 36 (New Rt. 36) into a Northern Zone and Southern Zone.

2) Northern Zone hunting dates: November 15 through January 13, except as noted in Section 550.10(a) above.

3) Southern Zone hunting dates: November 25 through January 23, except as noted in Section 550.10(a) above.

4) Hunting hours: November 15 in the Northern Zone and November 25 in the Southern Zone open for hunting at sunrise; during archery deer season, raccoon and opossum bow hunting hours will coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted. Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 1987-1989, ch. 61, par. 2.26).

5) Daily limit and possession limit: None.

## b) Red fox and gray fox

1) Hunting dates: November 25 through January 31, except as noted in Section 550.10(a) above.

2) Hunting hours: Opens November 25 for hunting at sunrise; during archery deer season, red fox and gray fox bow hunting hours will coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted.

3) Daily limit and possession limit: None.

## c) Coyote and Striped Skunk

1) Hunting dates: Year around except as noted in Section 550.10(a) above.

2) Hunting hours: One-half hour before sunrise to sunset, except during the red fox and gray fox hunting season when statewide hunting hours are unrestricted, and except during archery deer season when coyote and striped skunk bow hunting hours will coincide with the statewide archery deer hunting hours.

3) Daily limit and possession limit: None.

## d) Woodchuck (groundhog)

1) Hunting dates: June 1 through the next following March 31, except as noted in Section 550.10(a) above.

2) Hunting hours: One-half hour before sunrise to sunset.

3) Daily limit and possession limit: None.

(Source: Amended at 14 Ill. Reg. 10798, effective June 20, 1990)

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites.

a) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) For sites where permits are required a drawing will be held prior to the opening of the season. The date of the drawing will be announced by the Department by news release and the drawing will be held at the site. The number of permits per site will be determined pursuant to 17 Ill. Adm. Code 510.20. For those sites which require a harvest report to be submitted following the close of hunting season, failure to report will result in the hunter being ineligible to hunt at that site for the following year.



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- c) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Amox Leased Lands (.22 rimfire firearms may be used from sunset to sunrise)

Anderson Lake Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; all hunting to begin after the close of regular waterfowl season; .22 rimfire firearms may be used from sunset to sunrise)

Argyle Lake State Park (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Banner Marsh State Fish and Wildlife Area (coyote only; shotgun and archery only; season to coincide with the site where upland game is hunted (See Section 530.10(b) and Section 530.20(b)) and site archery deer hunting seasons (See Section 670.10))

Big Bend Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Big River State Forest (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Carlyle Lake Wildlife Management Area (Waterfowl Management Area is closed during the waterfowl season; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22 rimfire firearms may be used from sunset to sunrise)

Crawford County Conservation Area (Permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22

## DEPARTMENT OF CONSERVATION

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rimfire firearms may be used from sunset to sunrise)

Dog Island Wildlife Management Area

Eldon Hazlet State Park north of Allen Branch and west of Peppenhorst Branch (no woodchuck hunting; coyote and striped skunk season shall coincide with statewide fox season)

Fort de Chartres Historic Site (raccoon and opossum hunting only; hunting with muzzle-loading firearms only)

Green River State Wildlife Area (Lee County Conservation Area) (permit required; raccoon, fox and coyote hunting only; raccoon and fox season; January 1 through the end of the statewide season; coyote season January 1 - February 28; .22 rimfire firearms permitted)

I-24 Wildlife Management Area

Iroquois County Conservation Area (sunset to sunrise only; permitted after the close of permit pheasant hunting season; raccoon and opossum only may be hunted; permit required; .22 rimfire firearms may be used; (Raccoon, opossum and coyote only; raccoon and opossum hunting permitted after close of permit pheasant season, permit required, .22 rimfire firearms may be used, hunting hours sunset to sunrise only; coyote hunting permitted as prescribed in Section 550.10(a) and sunrise to sunset from the end of permit pheasant season to January 31 and sunset to sunrise from end of permit pheasant season to end of fox season during which time .22 rimfire firearms may be used to take coyotes, free permit required)

Kankakee River State Park (raccoon and opossum hunting; .22 rimfire firearms may be used; hunting hours are sunset to sunrise; permit valid for designated night(s) only; person issued permit must be present to hunt or permit is void; permittee may take up to three hunting partners along; permit valid from sunset on designated date to sunrise the following day; hunters must report harvest to site superintendent by December 31; hunting is allowed only from statewide opening to sunrise on Thursday



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prior to second firearm deer season, except as noted in Section 550.10(a); fox and coyote hunting - hunting allowed only from the day after the permit pheasant season closes through January 31; hunting hours are 4:00 a.m. to 8:00 p.m.; hunters must check out and report harvest prior to leaving site; hunters must obtain free season permits from site office prior to hunting)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during duck season; .22 rimfire firearms permitted from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Kickapoo State Park (~~raccoon and opossum hunting only; hunting hours sunset to sunrise only; .22 rimfire firearms may be used; permit required and obtain from site office; permit must be returned and harvest reported by February 15~~)(raccoon, opossum and coyote only; raccoon and opossum hunting hours sunset to sunrise only, permit required, obtain from site office, .22 rimfire firearms may be used; coyote hunting permitted as prescribed in Section 550.10(a), and 8:00 a.m. to 4:00 p.m. daily during the statewide rabbit season, and sunset to sunrise during fox season, .22 rimfire firearms may be used to take coyote sunset to sunrise, permit required, obtain from site office. All permits must be returned and harvest reported by February 15 to the Park Office, R.R. 1, Box 374, Oakwood, IL 61858)

## Lake Kinkaid Fish and Wildlife Area

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Area (night hunters must obtain a permit; .22 rimfire firearms may be used for taking raccoon, striped skunk, and opossum from sunset to sunrise only; no woodchuck hunting; coyote and striped skunk season to coincide with statewide fox season)

Lincoln Trail State Park (raccoon hunting only, .22 rimfire firearms may be used, hunting hours sunset to sunrise only, permit required, obtain from site office; hunters must report harvest to site superintendent by December 31; hunting season November 25 to December 20)

Little Black Slough State Natural Area (coyote and striped skunk season to coincide with statewide fox season)

Lower Cache River State Natural Area (coyote and striped skunk season shall coincide with the statewide fox season)

Marseilles Conservation Area (no night hunting; fox and coyote hunting only; fox season January 1 - state closing; coyote January 1 - February 28; .22 rimfire firearms permitted)

Marshall State Fish and Wildlife Area (raccoon and opossum only may be hunted; .22 rimfire firearms may be used from sunset to sunrise)

Middlefork Fish and Wildlife Area (~~raccoon and opossum hunting only; hunting hours sunset to sunrise only; .22 rimfire firearms may be used; permit required, obtain from site office; permit must be returned and harvest reported by February 15~~)(raccoon, opossum and coyote only; raccoon and opossum hunting hours sunset to sunrise only, permit required, obtain from site office, .22 rimfire firearms may be used; coyote hunting permitted as prescribed in Section 550.10(a), and 8:00 a.m. to 4:00 p.m. daily during the statewide rabbit season, and sunset to sunrise during fox season, .22 rimfire firearms may be used to take coyote sunset to sunrise, permit required, obtain from site office. All permits must be returned and harvest reported by February 15 to the Park Office, R.R. 1, Box 374, Oakwood, IL 61858)

Mississippi River Pools 16, 17, 18 (hunting not permitted in developed areas; .22 rimfire firearms permitted)

Mississippi River Pools 21, 22, 24, 25, 26 (.22 rimfire firearms permitted; hunting not permitted within 300 ft. of any legal waterfowl blind or in developed areas during waterfowl season)

Panther Creek Conservation Area (.22 rimfire firearms permitted; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck



## DEPARTMENT OF CONSERVATION

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hunting)

Pike County Conservation Area (all hunting closes November 30 in Area A)

Ramsey Lake State Park (permits required; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Randolph County Conservation Area (~~permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting~~) (permit required for night hunting; .22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Rend Lake Wildlife Management Area

Rockhouse Creek (Monroe County)

Saline County Conservation Area (hunting north of the township road only; coyote and striped skunk season to coincide with the statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Sand Ridge State Forest (permit required; raccoon and opossum season dates shall coincide with trapping season; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms permitted)

Sangamon County Conservation Area

Sanganois Conservation Area (hunting prohibited within 300 ft. of legal blinds or developed areas; .22 rimfire firearms may be used from sunset to sunrise)

Shawnee National Forest, LaRue Scatters (season closes 3 days before opening of waterfowl season and remains closed through the waterfowl season; hunting hours are sunrise - noon)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir west of the Big Muddy Levee, season closes

3 days before opening of waterfowl season and remains closed through the waterfowl season; hunting hours are sunrise - noon; steel shot only)

Silver Springs State Park (fox and coyote hunting only; season opens the day after pheasant season closes; hunting hours are 4:00 a.m. to 8:00 p.m. through January 31; coyote season closes March 1; hunters must check in and check out and report harvest prior to leaving site)

Stephen A. Forbes State Park (permits required; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Tapley Woods State Natural Area (muzzle-loading rifles and .22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season)

Ten Mile Creek State Fish and Wildlife Area (permit required; .22 rimfire firearms may be used from sunset to sunrise; parking cards must be displayed in windshield; permits must be returned by February 15 to the District Wildlife Manager, 700B West Lafayette, P.O. Box 313, Olney, IL 62450; areas designated as Refuge are closed to all access during Canada Goose Season only)

Trail of Tears State Forest (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; permit required, obtain from site office; permit must be returned and harvest reported by February 15 to the Park Office, R.R. 1, Box 1331, Jonesboro, IL 62952)

Turkey Bluffs Fish and Wildlife Area (.22 rimfire firearms may be used from sunset to sunrise; permit required; coyote and striped skunk season shall coincide with the statewide fox season; no woodchuck hunting) (permit required for night hunting; .22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Walnut Point Fish and Wildlife Area (raccoon hunting



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only; .22 rimfire firearms may be used; hunting hours are sunset to sunrise; permit required; hunters must report harvest to the site superintendent by December 31; hunting allowed November 25 to sunrise on the Thursday prior to the second firearm deer season)

Washington County Conservation Area (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Weinburg King State Park (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Wildcat Hollow State Park (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season)

Woodford County Conservation Area (raccoon and opossum hunting only; hunters must register, season opens after waterfowl season closes; .22 rimfire firearms may be used from sunset to sunrise only)

- d) Statewide regulations as provided for in this Part apply at the following sites (exceptions noted in parentheses). In addition, hunters must obtain a permit from respective site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15. Coyote and skunk season shall coincide with statewide fox season. No woodchuck hunting is permitted.

Clinton Lake (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Eagle Creek State Park (no night hunting)

Fox Ridge State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Hidden Springs State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

## DEPARTMENT OF CONSERVATION

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Lake Shelbyville Eagle Creek Wildlife Management Area (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

(Source: Amended at 14 Ill. Reg. 10798, effective June 20, 1990)



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1) HEADING OF THE PART: Scientific Permits

and federal conservation agencies, universities or other scientific agencies.

2) CODE CITATION: 17 Ill. Adm. Code 520

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

3) SECTION NUMBERS:

520.30

Amendments

Jack Price

Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.5, 3.11, 5.18, and 5.19 of the Fish Code (Ill. Rev. Stat. 1989, ch. 56, pars. 1.3, 1.5, 3.11, 5.18, and 5.19) and Sections 1.2, 1.3, 2.1, 2.4, 3.22, and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 2.1, 2.4, 3.22 and 3.36).

5) EFFECTIVE DATE OF AMENDMENTS: June 20, 1990

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 19, 1990

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 16, 1990, 14 Ill. Reg. 3789

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

References to "Ill. Rev. Stat." were updated to "1989" version.

In Section 520.30(a), following "scientific institutions" the following language was added "(such as government museums and laboratories)".

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this Part were made to clarify the process for issuance of scientific collector's permits to permanent employees of state

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:



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TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFEPART 520  
SCIENTIFIC PERMITS

## Section

|        |   |
|--------|---|
| 520.10 | Purpose   |
| 520.20 | Requirements and Application                                |
| 520.30 | General Provisions  |
| 520.40 | Renewal   |
| 520.50 | Revocation and Suspension of Permits - Hearings and Appeals |

AUTHORITY: Implementing and authorized by Sections 1.3, 1.5, 3.11, 5.18, and 5.19 of the Fish Code (Ill. Rev. Stat. ~~1987~~1989, ch. 56, pars. 1.3, 1.5, 3.11, 5.18, and 5.19) and Sections 1.2, 1.3, 2.1, 2.4, 3.22, and 3.36 of the Wildlife Code (Ill. Rev. Stat. ~~1987~~1989, ch. 61, pars. 1.2, 1.3, 2.1, 2.4, 3.22 and 3.36).

SOURCE: Adopted and codified at 7 Ill. Reg. 1236, effective January 26, 1983; amended at 12 Ill. Reg. 1815, effective December 31, 1987; amended at 14 Ill. Reg. 10811, effective June 20, 1990.

## Section 520.30 General Provisions

- a) ~~Scientific permits will be issued on an annual basis and expire December 31 of each year. Scientific permits are not transferrable. Permanent employees of state or federal conservation agencies, universities or other scientific institutions (such as government museums and laboratories) shall be issued a scientific permit valid for the term of their employment, as long as that person continues to submit, by January 31 of each year, an annual report of the past year's activities. Scientific permits for persons not employed by an above referenced organization will be issued on an annual basis and will expire on December 31.~~

- b) The scientific permit is valid for only the approved type of research and/or salvage stated on the permit. Under no circumstances shall a scientific permit be used in lieu of sport or commercial licenses.

- c) Permittee's method of taking fauna must be approved by the Department. Approved methods include but are not limited to, seines, electro-fishing, nets, hand, snap traps, live traps and foot-hold traps. All devices used for taking, which are left unattended, must have the permittee's name, address and scientific permit number visible on them.
- d) Taking and/or salvage of fauna shall be performed by or under the direct supervision of the permittee. Permittee must be present with person involved in actual taking of fauna.
- e) Taking and/or salvage of fauna is only allowed in areas designated on the permit.
- f) Taking and/or salvage of fauna on private properties requires oral or written landowner's permission. This permit does not allow the privilege of trespass.
- g) Taking and/or salvage of fauna on state owned or managed lands is not permitted without the prior approval of the Site Superintendent.
- h) The scientific permit must be carried on the person at all times when taking specimens and be presented, upon request, to Department personnel.
- i) Fauna taken and/or salvaged and rehabilitated must be released to the wild or permanently donated to a public or state scientific educational or zoological institution.
- j) Permittee is responsible for the taking activities and report of the individual issued the permit. Permittee must maintain a record of all specimens taken and shall present such record upon request to Department personnel.
- k) Permittee by January 31 of the next year shall submit an annual report to the Department of the past year's activities on forms provided by the Department, and mailed to address referred to in (Section 520.20 (c)). The permittee shall also provide the Department (2) two copies of all written reports resulting from the permitted activities. Permits will be renewed only after copies of the annual report and all written reports have been received by the Department.



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- 1) A scientific permit does not release the permittee from other provisions of the Ill. Adm. Code nor from Federal or State Statutes and does not supersede Federal permits.
- m) Any person using rotenone or other toxic materials for taking of fauna must notify the Department prior to using such materials, and may need a variance from the Illinois Environmental Protection Agency.

(Source: Amended at 14 Ill. Reg. 10811, effective June 20, 1990)

## DEPARTMENT OF CONSERVATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Squirrel Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 690
- 3) SECTION NUMBERS: 690.30  
ADOPTED ACTION: Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28, and 3.5).
- 5) EFFECTIVE DATE OF AMENDMENTS: June 20, 1990
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 19, 1990
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 16, 1990, 14 Ill. Reg. 3794
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

The references to "Ill. Rev. Stat." have been updated to the 1989 version.

In Section 690.30(c), Ten Mile Creek, "to the District Wildlife Manager, P.O. Box 313, Olney, IL 62450" was added at the end of the paragraph.

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

- 15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to squirrel hunting regulations were necessary to maintain and manage healthy populations of squirrels.



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The changes include expanding/modifying/decreasing hunting programs at state-owned or managed sites as recommended following evaluation of site specific resources.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price  
Department of Conservation  
524 S. Second Street, Room 485  
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

## DEPARTMENT OF CONSERVATION

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF CONSERVATION  
SUBCHAPTER b: FISH AND WILDLIFE

## PART 690

## SQUIRREL HUNTING

## Section

690.10 Hunting Zones

690.20 Statewide Regulations

690.30 Regulations at Various Department-Owned or -Managed Sites

**AUTHORITY:** Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28, and 3.5).

**SOURCE:** Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 9642, effective July 21, 1982, amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 16789, effective August 30, 1984, amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990.

**Section 690.30 Regulations at Various Department-Owned or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- b) Only those sites listed in this Section marked with an asterisk (\*) allow hunting with .22 caliber rimfire firearms or muzzle-loading black powder rifles.
- c) Statewide season regulations shall apply at the following sites (exceptions are listed in parentheses):

\* AMAX Leased Lands

Anderson Lake Conservation Area



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- \* Big Bend Conservation Area
- \* Big River State Forest
- \* Campbell Pond Wildlife Management Area
- \* Carlyle Lake Lands and Waters - Corps of Engineers managed lands
- \* Carlyle Lake Wildlife Management Area (in the Waterfowl Management Area from opening day to 3 days before the waterfowl season)
- \* Crawford County Conservation Area
- \* Dog Island Wildlife Management Area
- \* Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch)
- \* Fort De Chartres Historic Site (hunting with muzzleloading firearms or bow and arrow)
- \* Fort Massac State Park (east of Massac Creek only)
- \* Green River State Wildlife Area (September 6-30, no hunting during field trials)
- \* Horseshoe Lake Public Hunting Area - Alexander County (north of Route 3 only)
- \* I-24 Wildlife Management Area
- \* Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during duck season)
- \* Kickapoo State Park (free permit required, obtain from site office; hunters must return permit and report harvest by February 15 or hunting privileges for following year will be forfeited)
- \* Kinkaid Lake Fish and Wildlife Area
- \* Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area (no pistols)

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- \* Little Black Slough State Natural Area
- \* Lower Cache River State Natural Area
- \* Mackinaw State Fish and Wildlife Area (September 1 - October 31)
- \* Marseilles Fish and Wildlife Area (Monday through Thursday from September 9 through October 31)
- \* Marshall State Fish and Wildlife Area
- \* Mermet Lake Conservation Area (from opening day until the first day of the duck season)
- \* Middle Fork Fish and Wildlife Area (free permit required, obtain from site office; hunters must return permit and report harvest by February 15 or hunting privileges for following year will be forfeited)
- \* Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26
- \* Panther Creek Conservation Area
- \* Pike County Conservation Area
- \* Ramsey Lake State Park
- \* Randolph County Conservation Area
- \* Red Hills State Park
- \* Rend Lake Wildlife Management Area
- \* Rockhouse Creek (Monroe County)
- \* Saline County Conservation Area (North of the township road)
- \* Sam Dale Lake Conservation Area
- \* Sam Parr Fish and Wildlife Area
- \* Sand Ridge State Forest (from opening day until the first day of the upland hunting season)



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- \* Sangamon County Conservation Area
- \* Sanganois Conservation Area
- \* Shawnee National Forest, LaRue Scatters (closes at noon)
- \* Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir, west of Big Muddy Levee, closes at noon, steel shot only)
- Site M (Saturdays and Sundays as announced by the Department; land leased from Commonwealth Edison in Cass County; hunter quota to be announced by public news release; check station will open at 5 a.m., and all hunters must check in and exchange their hunting license for a back patch which must be worn at all times while in the field. All hunters must check out and report harvest immediately after hunting; hunting is permitted in designated areas only; parking is permitted at designated parking areas only)

Stephen A. Forbes State Park

Tapley Woods State Natural Area

- \* Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; windshield cards must be displayed on dashboard of vehicle; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450)

- \* Trail of Tears State Forest

- \* Turkey Bluffs State Fish and Wildlife Area

Washington County Conservation Area

Weinberg-King State Park

- \* Wildcat Hollow State Forest

Woodford County Conservation Area

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- d) Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:

Ferne Clyffe State Park

~~Ft. Massac State Park (east of Massac Creek only)~~

Giant City State Park

Hamilton County Conservation Area

Pere Marquette State Park

Pyramid State Park

Saline County Conservation Area (south of Township Road)

Siloam Springs State Park

- e) The following season dates shall apply on the following sites (exceptions to statewide hours are listed in parentheses):

Argyle Lake State Park; October 15 to the end of the statewide season

Castle Rock State Park; September 1 - October 15

- \* Horseshoe Lake Public Hunting Area, Alexander County, south of Rt. 3 only; August 1 - September 30

Iroquois County Conservation Area; September 1 - 30

Johnson Sauk Trail State Park; September 15 - 30

Jubilee College State Park; September 1-30 (Sunrise - 4:00 p.m.)

Kankakee River State Park; September 1-30

Moraine View State Park; September 1 - day before opening of site's permit pheasant season† (Sunrise - 4:00 p.m.)

Silver Springs State Park; September 1 - 30 in Area C; September 1 - October 31 in Area B; harvest must



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be reported before leaving the site; daily quota filled on first-come, first-serve basis

Spring Lake Conservation Area; September 10 - 30 (Sunrise - 4:00 p.m.)

\* ~~Union County Public Hunting Area (August 1 - September 30; Firing Line Management Unit; August 1 - November 1)~~

\* ~~Union County Public Shooting Area (Firing Line Management Unit only); August 1 - November 1~~

Walnut Point Fish and Wildlife Area; October 1-15 Monday - Friday only; daily from October 16 to end of Statewide Season

f) Statewide regulations as provided in this Part apply at the following sites with exceptions noted in parentheses. In addition, hunters must obtain a free permit from site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following year.

## Clinton Lake State Park

Eagle Creek State Park (Season opens September 15)

\* Fox Ridge State Park (no handguns)

\* Hidden Springs State Forest (.22 rimfire rifles and muzzle-loading rifles permitted after October 1 only; no handguns)

\* Lake Shelbyville Eagle Creek Wildlife Management Area (no handguns)

(Source: Amended at 14 Ill. Reg. 10816, effective June 20, 1990)

## STATE BOARD OF ELECTIONS

## NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of Part: The Campaign Financing Act

2) Code Citation: 26 Ill. Adm. Code 100

3) Section Numbers:

100.20  
100.30  
100.40  
100.60  
100.70  
100.80  
100.100

Adopted Action:

Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment

4) Statutory Authority: Implementing Article 9 and authorized by Section 9-15(3) of the Election Code (Ill. Rev. Stat., 1987, ch. 46, pars. 9-1 et seq. and 9-15(3)).

5) Effective Date of Amendment: June 22, 1990

6) Does this rulemaking contain an automatic repeal date: No

7) Does this contain incorporation by reference: No

8) Date Filed in Agency's Principal Office: June 22, 1990

9) Notice of Proposal Published in the Illinois Register: September 22, 1989

10) Has JCAR issued a Statement of Objections to this amendment?  
No

11) Difference between proposal and final version:

All changes in proposed text result from agreements between JCAR and the State Board of Elections. These changes are:

a. All amendatory language proposed for Section 100.30(e) deleted.



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- b. In Section 100.80(c), "May" is deleted and replaced by "Shall"; "the size of type or if contrast between page and type is insufficiently strong enough to microfilm" is deleted and replaced by "not camera ready".
- c. In Section 100.100(c), there is added after the word "fee", "pursuant to 26 Ill. Adm. Code 1551. Appendix B".
- d. In Sections 100.30(b) and 100.30(c) the language "State Board of Elections Campaign Disclosure Division" is replaced by "State Board of Elections Public Disclosure Division".
- e. In Section 100.30(c) the text "Pre-election Report" is retained and the letters "P" and "R" are capitalized and are shown as new text.
- f. In Section 100.30(d) the text "Statement of Organization" and "Statement of Disclosure" are replaced by lower case text.
- g. In the Table of Contents and in the text for Section 100.40 the text "Vacancy in Offices" is stricken through.
- h. In Section 100.100(c) in line 7 thereof the semi colon is replaced by a comma; a comma is added between the words "lawful" and "official" in line 11 of Section 100.100(c).
- i. In Sections 100.20(a), 100.30(a), 100.40(a), 100.60(a), 100.80(a) and 100.100(a), the word "Part" is deleted and replaced by the word "Section".
- j. In Section 100.100(c), in line 5 thereof the word "Illinois" is deleted and after "Code of Civil Procedure" the language "(Ill. Rev. Stat., 1987, ch. 110, pars. 1-101 et seq.)" is added.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:
- Section 100.20 - This amendment reflects a change in the numbering system to conform with other section numbers currently in use.
- Section 100.30 - These amendments bring Section 100.30 into conformity with current rules style.
- Section 100.40 - This amendment will require all records and statements which are maintained by the treasurer to remain the property of the political committee. Will assist in a smooth transition of officers of political committees.
- Section 100.60 - This amendment reflects a change in the numbering system to conform with other section numbers currently in use.
- Section 100.70 - This amendment will delete the option allowing committees to file on their own fiscal years.
- Section 100.80 - This amendment requires committees submitting computer printouts in lieu of Board forms to comply with standards compatible with microfilming.
- Section 100.100 - Allows application to inspect campaign disclosure documents by mail, allows inspection of local committee records, and amends the identification requirements.
- 16) Information and questions regarding this adopted amendment shall be directed to:
- A.L. Zimmer, General Counsel  
State Board of Elections  
100 West Randolph Street  
State of Illinois Center, Suite 14-100  
Chicago, IL 60601

The full text of the Adopted Amendment begins on the next page:



## STATE BOARD OF ELECTIONS

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TITLE 26: ELECTIONS  
CHAPTER I: STATE BOARD OF ELECTIONSPART 100  
GENERAL RULES AND REGULATIONS-UNDER  
THE CAMPAIGN FINANCING ACT

|         |  |
|---------|--|
| Section |  |
| 100.10  | Definitions  |
| 100.20  | Official Forms   |
| 100.30  | Forwarding of Documents  |
| 100.40  | <u>Vacancy-in-Offices Vacancies in Office - Custody of Records</u> |
| 100.50  | Multiple Filings by State and Local Committees                     |
| 100.60  | Filing Option for a Federal Political Committee                    |
| 100.70  | Reports of Contributions and Expenditures                          |
| 100.80  | Report Forms   |
| 100.90  | Provision Circumvention  |
| 100.100 | Proof of Identification; Application for Inspection and Copying    |

AUTHORITY: Implementing Article 9 and authorized by Section 9-15(3) of the Election Code (Ill. Rev. Stat. 1987, ch. 46, pars. 9-1 et seq. and 9-15(3)).

SOURCE: Amended at 5 Ill. Reg. 1337, effective January 30, 1981; amended at 5 Ill. Reg. 12115, effective October 26, 1981; codified at 6 Ill. Reg. 7211; amended at 7 Ill. Reg. 225, effective December 16, 1982; amended at 14 Ill. Reg. 10824, effective June 22, 1990.

## Section 100.20 Official Forms

- a) Reference: This Part Section interprets or applies Section 9-15(1) of the Election Code.
- b) Political committees are required to use only the official forms or photostatic copies of official forms and appropriate schedules approved by the State Board of Elections when filing any disclosure reports except as otherwise permitted under Part-206 Section 100.80. Alternative methods of reporting are prohibited unless prior written approval has been received by the political committee from the State Board of Elections. Prior written approval will be given based on the compatibility of alternative methods with the Board's present system.

(Source: Amended at 14 Ill. Reg. 10824, effective June 22, 1990)

## Section 100.30 Forwarding of Documents

- a) Reference: This Part Section interprets or applies Sections 9-15(3), 9-18 and 9-19 of the Election Code.
- b) County clerks shall within 60 days after the close of the filing

## STATE BOARD OF ELECTIONS

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- period forward a copy of campaign disclosure documents to the State Board of Elections Public Disclosure Division.
- c) Furthermore, county clerks shall within 5 days after the close of the pre-election report filing period forward to the State Board of Elections Public Disclosure Division a detailed list indicating the name and address of all political committees who have filed the pre-election report under the Illinois Campaign Financing Act. As an alternative a county clerk may submit photostat copies of all those reports filed with them pursuant to the Illinois Campaign Financing Act in lieu of any other requirement herein so long as it is within the prescribed deadlines as stated above. In addition, they shall submit within 45 days after the close of the post-election and annual report filing periods a detailed list to the State Board of Elections indicating the name and address of all political committees who have filed pursuant to the Campaign Financing Act filing deadlines.
- d) Campaign disclosure documents as used in this rule shall include all statements of organization (Form D-1) and all statements of disclosure (Form D-2) and all other reports and attachments disclosing receipts or expenditures.

(Source: Amended at 14 Ill. Reg. 10824, effective June 22, 1990)

Section 100.40 Vacancy-in-Offices Vacancies in Office - Custody of Records

Reference: This Part Section interprets or applies Section 9-2, 9-5, 9-7, 9-10 and 9-15 of the Election Code.

## a) Death

Upon the death of the treasurer of a committee, the candidate or, if such candidate is unable or unwilling to act, the remaining officers of the committee shall appoint a new treasurer and so amend the Statement of Organization (Form D-1) within 10 days of the date of death of the treasurer. In the event there is no candidate or remaining officers of the committee, the person or persons who succeed to the interests of the committee in its funds shall be responsible for filing all appropriate reports until such time as new officers are chosen or the committee terminates.

## b) Removal from Office

In the case of a single candidate related committee whose officers were originally named by the candidate, the candidate shall have the right to remove any and all officers of his committee, provided such removal be done in writing and that the candidate comply with all requirements of the Act in the absence of officers for his candidate related committee. If a candidate removes from office any or all officers of his committee, all records related to the committee shall be maintained by the candidate. If former officers request, he shall allow them access to records and provide reasonable opportunity to make copies.

## c) Resignation



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If the treasurer and all other officers resign and no new officers are appointed, the former treasurer and officers or, in the case of candidate related committees, the candidate shall be responsible for terminating the committee. When an individual vacates the position of treasurer, he shall verify the accuracy of his or her records to the succeeding treasurer. The succeeding treasurer shall not be held responsible for the veracity or accuracy of the records of the predecessors.

- d) Inability to Sign  
All reports shall be verified, dated and signed by either the treasurer of the political committee making the statement or the candidate on whose behalf the statement is made. However, should it be impossible for the political committee to obtain the signature of the treasurer or candidate prior to the filing deadline, then another may sign for the treasurer, provided that the treasurer submits a letter within 30 days of the filing indicating that such substituted signature is authorized and the treasurer accepts responsibility as if he had signed. The substituted signature shall read, "treasurer's name, by name of person signing". If the treasurer failed to submit a letter within 30 days, then the report filed shall be considered a nonfiling.

- e) All reports, original reports, and other campaign documents required to be kept by a political committee under Article 9 of the Election Code remain the property of the political committee. No chairman, treasurer, or candidate shall have any proprietary or possessory interest in such documents in derogation of the rights of the committee itself.

- f) If any political committee changes any officers, all records, statements and reports in the possession of the outgoing officers shall be transferred within ten (10) days following such change to the person or persons newly responsible for the maintenance of those records and/or the filing of reports.

- g) If any outgoing officer fails to turn over the records in his or her care to a successor, in accord with this Section, or if any officer attempts to withhold records from other officers of the committee, the committee chairman, the treasurer, or the candidate may file a complaint before the Board requesting a turnover order.

(Source: Amended at 14 Ill. Reg. 10824, effective June 22, 1990)

Section 100.60 Filing Option for a Federal Political Committee

- a) Reference: This Part Section interprets or applies Section 9-15 of the Election Code.  
b) Any "person or whoever" as defined by the Illinois Campaign Financing Act, qualifying as a political committee under such Act, may choose to comply with the provisions of the Illinois Campaign Financing Act by simultaneously filing all Federal Election Commission reports with

either the State Board of Elections, County Clerk, or both, as the case may be.  
c) A political committee may choose to file reports pursuant to this regulation, either by amendment or for the first time, by stating on Part-7 Part 6 of the Statement of Organization (Form D-1) the following, "Campaign financing reports will be filed pursuant to Section 100.60, ~~126-Section-100-60~~, Campaign Financing Regulations, State Board of Elections."

- d) A political committee filing reports pursuant to this regulation for the first time shall additionally file a copy of its last regular report on file with the Federal Election Commission.

- e) A federal political committee, also qualifying as a state political committee under the Illinois Campaign Financing Act, shall simultaneously file a copy of all Federal Election Commission reports with the State Board of Elections.

- f) A federal political committee, also qualifying as a local political committee under the Illinois Campaign Financing Act, shall simultaneously file a copy of all Federal Election Commission reports with the local county clerk and the State Board of Elections.

- g) This regulation shall not authorize any person to receive or expend in Illinois an anonymous contribution on behalf of or in opposition to a candidate covered by the Illinois Campaign Financing Act, or in support of or in opposition to a question of public policy.

(Source: Amended at 14 Ill. Reg. 10824, effective June 22, 1990)

Section 100.70 Reports of Contributions and Expenditures

- a) Reference: This Part Section interprets or applies Section 9-10 of the Election Code.  
b) For purposes of determining the amount of contributions of \$500 or more under Section 9-10 of the Act, all contributions received between the last date of the period covered by the last report filed prior to the election and the election from a single person, as such is defined in Section 9-1.6, shall be aggregated and treated as one.

- c) ~~the annual report of a political committee that is a regular constituent state central committee, county central committee or in counties with a population of more than 3,000,000, a township or ward organization of a political party which has elected to use a fiscal year other than June 30th pursuant to Section 9-10 of the Act, shall be filed no later than 90 days after such fiscal year ends in such cases the committee shall notify the State Board of Elections of its intent to use a different fiscal year prior to the first day of the fiscal year which the committee intends to use.~~

(Source: Amended at 14 Ill. Reg. 10824, effective June 22, 1990)



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## Section 100.80 Report Forms

- a) Reference: This Part interprets or applies Section 9-16 of the Election Code.
- b) All reports submitted by political committees pursuant to the Act shall either be typed or printed legibly in black ink.
- c) Computer sheets filed in lieu of forms or schedules shall not exceed 8 1/2" x 14". They shall be rejected if not camera ready.

(Source: Amended at 14 Ill. Reg. 10824, effective June 22, 1990)

## Section 100.100 Proof of Identification; Application for Inspection and Copying

- a) Reference: This Part Section interprets or applies Section 9-15.1 of the Election Code.
- b) Every person requesting to examine a statement or report must first fill-out--the file a Request for Inspection, Form D-3, in-person either in the Springfield or Chicago office and must provide proof of identity if the request is made in person. Public inspection of documents is available during-regular-business-hours at both offices during regular business hours. Request for inspection of local political committees must be filled out in person in the office of the appropriate county clerk and that person must provide proof of identity.
- c) Application to inspect and copy statements and reports may be made by mail by submitting a Request for Inspection form accompanied by a signature of the applicant verified in a form acceptable under Section 1-109 of the Code of Civil Procedure (Ill. Rev. Stat. 1987, ch. 110, pars. 1-101 et seq.), and by paying the appropriate fee pursuant to 26 Ill. Adm. Code 1551. Appendix B, provided that requests submitted by a government agency, either federal, state, or local, need not be acknowledged if accompanied by a statement on stationary bearing the Agency letterhead, and that the request is made for lawful, official purposes. Application forms will be furnished in blank to persons who request them by telephone or in writing.
- d) Examples of proof of identification would be:
- 1) drivers license;
  - 2) birth-certificater
  - 3) student identification;
  - 4) voter-registration-card;
  - 5) employee identification.

(Source: Amended at 14 Ill. Reg. 10824, effective June 22, 1990)

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- 1) Heading of Part: Practice and Procedure
- 2) Code Citation: 26 Ill. Adm. Code 125

## 3) Section Numbers:

125.5 Amendment  
125.90 Amendment  
125.95 Amendment  
125.170 Amendment  
125.190 Amendment  
125.195 Amendment  
125.199 Amendment  
125.245 Amendment  
125.252 Repealed  
125.253 Amendment  
125.254 New Section  
125.255 New Section  
125.260 Repealed  
125.262 Repealed  
125.270 Amendment  
125.272 Amendment  
125.275 Repealed  
125.340 Amendment  
125.420 Amendment  
125.425 New Section  
125.510 Repealed  
125.520 Amendment  
125.530 Amendment  
125.540 Repealed  
125.610 Amendment

## Adopted Action:

- 4) Statutory Authority: Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-2 and 9-23 of the Election Code (Ill. Rev. Stat., 1987, ch. 46, pars. 1A-8(9), 9-15(3), 9-21 and 9-23).



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- 5) Effective Date of Amendment: June 22, 1990
- 6) Does this rulemaking contain an automatic repeal date: No
- 7) Does this contain incorporation by reference: No
- 8) Date Filed in Agency's Principal Office: June 22, 1990
- 9) Notice of Proposal Published in the Illinois Register:  
September 22, 1989

10) Has JCARE issued a Statement of Objections to this amendment?

No

11) Difference between proposal and final version:

All changes in proposed text result from agreements between JCARE and the State Board of Elections. These changes are:

- a. In Section 125.245(b) delete all text up to the first comma and insert in lieu thereof: "in accordance with the time constraints stated in Section 9-21 of the Election Code";
- b. In Section 125.245(b), to add after the word "Examiner", the following text "who shall be a licensed attorney or a Board employee of the Classification Election Specialist III or higher, who possesses at least two years experience as an Election Specialist of any rating";
- c. In Section 125.252, add to the end of the first sentence the text ", and having some basis in fact and law";
- d. In Section 125.252(b), add at the end of the present text the following text ", or otherwise recording the hearing. Minutes of the closed preliminary hearing shall be made available to any party upon request";
- e. In Section 125.252(c)(3), to amend the text thereof to read as follows: "The Examiner shall not be bound to follow rules of evidence acceptable in an Illinois court of record, but may admit and rely upon for his or her recommendation

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such evidence or information of a type commonly relied upon by reasonably prudent men in the conduct of their affairs as provided by Section 12 of the Illinois Administrative Procedure Act (Ill.Rev.Stat., 1987, ch. 127, par. 1012);

f. In Section 125.252(c)(5), add the following text after the first sentence thereof "The complainant will present his case first except when convenience to the Examiner or the respondent requires the respondent to proceed first. The consent, in such cases, of the complainant will be required";

g. In Section 125.252(c)(6) the following text is added: "Any question is relevant if it has the possibility of eliciting an answer which tends to make the ultimate fact of justifiable grounds more or less likely.";

h. In Section 125.252(f) replace the word "Part" with the word "Section";

i. In Section 125.253(a)(3), replace the text "At his discretion," with the text "When such comment would assist the Board in understanding the recommendation of the Examiner, the recommendation is against the manifest weight of the evidence or otherwise subject to dispute,";

j. In Section 125.253(a)(4), delete the word "Promptly" and add to that Section the text: "in accordance with the time constraints stated in Section 9-21 of the Election Code.";

k. In Section 125.254(e), add the following text:

In approving any stipulation or agreed order under this Part the Board shall consider, but not be limited to, any evidence offered and noted by the Examiner or Hearing Examiner of the following factors:

- 1) A party's history of compliance with the Act, the Election Code, or rules of the Board;



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- 2) Any evidence of respondent's ignorance of a material fact which led to the conduct which was the source of the complaint;
- 3) The degree of cooperation exhibited by the Hearing Examiner or Examiner, and,
- 4) Factors in mitigation of the circumstances complained of in the complaint.

l. In Section 125.245(a), add the following text:  
"Repeated failures means more than one.";

m. In Section 125.254(b) and 125.420(d)(1) delete the word "automatic";

n. In Section 125.245(c) add the following text: "For purposes of this subsection, cause shall consist of proof that the report was submitted on time, as evidenced by a date stamped on the received document or other evidence submitted to the Board.";

o. In Section 125.270, wherein the words "administrative review" appear for the first time add the text: "pursuant to Ill.Rev.Stat. 1987, ch. 110, pars. 3-101 et seq.";

p. In Section 125.270, add to the end thereof the following new text: "Before the record is filed, the Examiner shall notify the parties that the record has been prepared, shall receive corrections from any parties, shall examine the record for accuracy, and then shall certify that it is a true and correct record of the hearing.";

q. In Sections 125.272(a) and (b), delete the text "promptly" and add in Section 125.272(b) the language ", in accordance with the time constraints stated in Section 9-21 of the Election Code," immediately preceding the text "designate a time and place";

r. In Section 125.340, delete the word "promptly";

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s. In Section 125.425(b), add the following as new text: "Document(s) are deemed received by the Board as of the date date-stamp by Board staff on the document(s) submitted.";

t. In Sections 125.425(f)(1) and (f)(2), delete "substantially";

u. In Section 125.425(g), in the first sentence thereof to delete the text after the language "then the Board shall" and replace the deleted text with the language "proceed with efforts at collection pursuant to the Illinois State Collection Act of 1986 (Ill.Rev.Stat. 1987, ch. 15, pars. 151 et seq.)";

v. In Section 125.425(h), delete "substantially";

w. To Section 125.425(k), add the following text: "A timely motion for rehearing extends the period in which the respondent may pay the fine, unless the motion is heard and decided within the 30 day period, until the motion is heard and decided. A motion for rehearing does not toll the running of the 30 day period except to the extent that is necessary to hear and decide the motion.";

x. To Section 125.425(j)(2), add the text: "Document(s) are deemed received by the Board as of the date date-stamped by Board staff on the document(s) submitted.";

y. In Section 125.520(b)(2), retain "shall" in place of the proposed "may";

z. Ad "s" to the word "definition" in the title to Subpart A for the Table of Contents for this rulemaking.

aa. To place "legal" in lower case in the title for Section 125.70 in the Table of Contents;

bb. Add Section 125.135 to the Table of Contents;

cc. In Section 125.390 of the Table of Contents correct the spelling of the word "Argument";

dd. In the first line of Section 125.5 show "p" as stricken and "p" as underlined in the word "Subpart";



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- ee. In Section 125.90, strike the capital letters "C P H" of "Closed Preliminary Hearings" and replace them by underline lower case letters;
- ff. In Section 125.95, after the added language "adjudicatory hearing" add an "a" and show it stricken;
- gg. In Section 125.95(b), show the "s" in "depositions" as new language by underlining;
- hh. In Section 125.95(c), replace the word "repetitions" by "repetitious";
- ii. In Section 125.95(h), capitalize the "r" in the word "recommendations";
- jj. In Sections 125.170(b) through (e) place the initial letter in each subsection in lower case;
- kk. In Section 125.190, after the new language "an adjudicatory" add the word "any" and show it stricken;
- ll. In Section 125.252(c)(4), replace the text "Subpart B" with the text "subsection (b)(3)";
- mm. In Section 125.245(d), in the first line thereof replace the word "the" preceding the word "Section" with the word "this";
- nn. In Section 125.420(a), underline the colon at the end thereof;
- oo. In Section 125.420(a)(1) and (a)(2), place the "w" in "within" in lower case;
- pp. Replace subsections (d)(1) and "(2)" with "(A)" and "(B)" and strike those labels out and retain the "(2)" label in Section 125.420(d);
- qq. Underline the colon at the end of Section 125.520(b);

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- rr. In Section 125.520(d), place the first letter of each word in the phrase "Standing Order" in capital letters and place the phrase in quotes and add an "s" to the word "extension";
- ss. In Section 125.610, make "rule" "making" one word;
- tt. In Section 125.90, add "Section" before "125.245";
- uu. In Section 125.252(c)(4), change "Subpart (B)(3) of this Part" to "subsection (c)(3)";
- vv. In Section 125.420(a), add "of the Election Code" after "Section 9-21" in line three;
- ww. In Section 125.425(b), delete the statutory citation;
- xx. Delete numerals in Sections 125.425(e)(1)(A), (B), (C) and (D) and 125.520(a);
- yy. In Section 125.520(b), delete "paragraph" and add "subsection";
- zz. In Section 125.520(a), strike through "the" in the second to the last line;
- aaa. Make the following changes in rulemaking:
1. Delete "s" from "Hearings" in the Table of Contents Section heading for Section 125.425;
  2. Add "in" before "order" in the first sentence of Section 125.252(c)(5);
  3. Add "s" to "require" in Section 125.253(b);
  4. Delete "report" in the first sentence of Section 125.262(b);
  5. To end the second to last sentence of Section 125.270 with the text "over the review" and begin a new sentence with the word "any"; and
  6. To begin Section 125.425(c) with the word "If".



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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

26 Ill. Adm. Code Part 125, especially subpart B, has been extensively revised to change the procedures of closed preliminary hearings, required by Section 9-21 of the Election Code, from an adversary proceeding to a fact-finding one.

Replacing an adversarial closed preliminary hearing with an investigative one will eliminate the need for one Hearing Examiner, reducing cost to the Board, and freeing the Board from the Hearing Examiner's schedule. The proposed revisions replace the Hearing Examiner with an officer known simply as the Examiner who is to keep minutes of the closed preliminary hearing, prepare a by-standers report, and recommend to the Board if justifiable grounds exist for the filing of the complaint. The Examiner, appointed by the Executive Director will typically be a Board staff member. The hearing may be informally conducted and will normally be inquisitorial, the Examiner taking the lead to elicit evidence that grounds for the Complaint do or do not exist. Both the complainant and the respondent may offer evidence and comment. The respondent may be represented by Counsel. No verbatim record will be kept, but minutes will be kept and a report prepared from the minutes. The Examiner will neither rule upon nor comment upon questions of law, but will report the raising of such questions by the parties to the Board. Under the proposed revision, the General Counsel is required to recommend decisions on points of law to the Board, and may, but is not required to comment on evidence.

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If the Board finds the complaint was filed on justifiable grounds, an adversarial public hearing will be held, unless the matter is otherwise settled. The public hearing is unchanged under the proposed revisions and provides the usual and appropriate safeguards of, inter alia, an independent attorney Hearing Examiner; rights to adduce evidence and to confront and cross examine witnesses; verbatim transcription of testimony; and the right to be represented by counsel. As before, the complainant bears the burden of adducing proof sufficient to demonstrate a violation of the act by a preponderance of the evidence.

Subpart A of Part 125 contains provisions applicable to all hearings conducted under Article 9 of the Election Code. Revisions are necessary in the rules 125.5, 125.90, 125.95, 125.170, 125.190, 125.195 and 125.199 to delete references to closed preliminary hearings, or to exempt closed preliminary hearings from the general operation of rules that explicitly or by implication require an adversary process.

Subpart B

125.245 - Provides for the prompt appointment of a non-attorney Examiner, after the filing of a complaint. The Executive Director appoints the Examiner.

125.252 - Provides that the Examiner shall conduct the Closed preliminary hearing, which need not be adversarial in nature. The Examiner may examine witnesses and admit proofs unrestricted by rules of evidence applicable in a court of record. The Examiner may admit and rely on the kind of information a person of ordinary probity would rely on in the management of his own affairs. The Examiner must keep minutes and prepare a recommendation, but shall not pass on issues of law. The parties may settle the matter, subject to the Board's approval, prior to the submission of the recommendation and minutes. The complainant bears the burden of demonstrating justifiable grounds for filing the complaint.

125.253 - New. Provides that the General Counsel shall review the minutes of the closed preliminary hearing for questions of law and evidence; offer his remarks on questions of law, and in his discretion on questions of evidence; and promptly transmit his remarks and recommendations to the Board.



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125.254 - New. Provides for an opportunity for Respondents to come into compliance with the statutes and rules, and to settle cases subject to Board approval. Sets standards for stipulations and standing orders, including fines and their enforcement. The text of this new rule is substantially identical to that of present rule 125.530, except for the substitution of the term "closed preliminary hearing" for "compliance conferences" in line one of the present rule 125.530.

125.255 - Repeal.

125.260 - Repeal.

125.262 - Amends present rule to delete reference to the Hearing Examiner. The proposed rule also deletes subpart 125.262(b) and (c), which establish time lines for Board action. The proposed rule retains the option of Board decision by conference call.

125.270 - Amends present rule of same number to delete references to a transcript of proceedings as constituting part of the record on administrative review unless the respondent has prepares such a transcript. Further provides for authority to seek leave to file the record in camera.

125.272 - Deletes fixed time requirements for conducting a public hearing.

125.275 Repealed - Removes additional fixed time requirement for holding public hearing.

125.340 - Deletes reference to Subpart B hearings as adjudicatory hearings.

125.420 - Provides that business days shall be counted in assessing Board penalties for late filings in violation of orders or stipulations.

125.425 - Provides for the automatic imposition of fixed penalties for violation of Board Orders and Stipulations. Right of appeal is provided.

125.510 - Repealed - Deletes reference to present Subpart E as a separate subpart of Part 125.

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125.520 - Amends present rule concerning notice given to political committees of their failure to file required reports. Allows notice to be given by first-class mail. Reduces the continuance to obtain compliance from 60 days to 30 days.

125.530 - Deletes sub-paragraphs (b), (c), and (d), which contain provisions now included in 125.254.

125.540 - Repealed. Matters treated in this rule are, to the extent they survive, now found in Section 125.245.

125.610 - Amends present rule to except closed preliminary hearings from inclusion in Subpart E.

16) Information and questions regarding this adopted amendment shall be directed to:

A.L. Zimmer, General Counsel  
State Board of Elections  
100 West Randolph Street  
State of Illinois Center, Suite 14-100  
Chicago, IL 60601

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## STATE BOARD OF ELECTIONS

## NOTICE OF ADOPTED AMENDMENT(S)

## TITLE 26: ELECTIONS

## CHAPTER I: STATE BOARD OF ELECTIONS

## PART 125

## PRACTICE AND PROCEDURE

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**AUTHORITY:** Implementing and authorized by Sections 1A-8(9), 9-15(3), 9-21 and 9-23 of the Election Code (Ill. Rev. Stat. 1987, ch. 46, pars. 1A-8(9), 9-15(3), 9-21 and 9-23).

**SOURCE:** Adopted at 5 Ill. Reg. 12115, effective October 26, 1981; amended at 7 Ill. Reg. 230, effective December 16, 1982; amended at 7 Ill. Reg. 239, effective December 16, 1982; amended at 7 Ill. Reg. 15803 and 15810, effective November 9, 1983; codified at 8 Ill. Reg. 3278; amended at 9 Ill. Reg. 4050, effective March 14, 1985; amended at 14 Ill. Reg. 10832, effective June 22, 1990.

## SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

## Section 125.5 Applicability

This Subpart A shall apply to the practices and procedures of the State Board of Elections, and all proceedings conducted by the Board under Subpart A. This Part is not intended to apply to State Electoral Board hearings, or to proceedings under Subpart B of this Part (closed preliminary hearings) where any provisions of Subpart B makes a more specific or contradictory provision to anything contained in Subpart A.

(Source: Amended at 14 Ill. Reg. 10832, effective

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## Section 125.90 Qualifications of Hearing Examiner

Whenever possible a person appointed Hearing Examiner for any an adjudicatory proceeding conducted pursuant to this Part shall be a licensed attorney. Unless all parties to the proceeding so stipulate, the Hearing Examiner who conducted the enclosed Preliminary Hearing shall not conduct the public hearing. Closed preliminary hearings are deemed non-adjudicatory by this Part and by Section 125.245.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

## Section 125.95 Authority of Hearing Examiner

The Hearing Examiner has the authority to conduct and preside over an adjudicatory a hearing, to take all necessary action to avoid delay, to maintain order, to ensure compliance with all notice requirements, and to ensure the development of a clear and complete record. He shall have all powers necessary to conduct a fair and impartial hearing including, but not limited to, the power to:

- a) Administer oaths and affirmations;
- b) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, provide for the taking of testimony by depositions if necessary, and in general conduct the proceedings, according to recognized principles of administrative law and the provisions of this Part;
- c) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
- d) Rule upon offers of proof and receive relevant evidence;
- e) Direct parties to appear and confer for the settlement or simplification of issues, and otherwise conduct pre-hearing conferences;
- f) Dispose of procedural requests or similar matters;
- g) Issue orders relating to pre-hearing discovery to the extent authorized by and permitted under this Part;
- h) In connection with a closed preliminary hearing, make a recommendation to the Board on whether or not a complaint appears to have been--fitted on--justifiable grounds;
- i) In connection with a public hearing on a complaint, render proposed findings of fact and Conclusions of Law and make Recommendations for a final order of the Board;
- j) Enter any order that further carries out the purpose of this Part;
- k) Issue subpoenas and rule upon objections to subpoenas and discovery orders;
- l) Consider and rule upon all motions presented in the course of the



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proceedings.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

## Section 125.170 Order of Proceedings

The following shall be the order of all proceedings held, pursuant to Subpart C of this Part subject to modification by the Hearing Examiner for good cause:

- a) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint of answer;
- b) presentation of opening statements;
- c) complainant's case;
- d) respondent's case;
- e) complainant's case in rebuttal;
- f) statements from interested citizens, if authorized by the Hearing Examiner;
- g) complainant's closing statement, which may include legal argument;
- h) respondent's closing statement, which may include legal argument; and
- i) ruling on any reserved motions.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

## Section 125.190 Examination of Adverse Party or Agent

Upon the hearing of an adjudicatory any action any party thereto or any person for whose immediate benefit the action is prosecuted, or defended, or the officers, directors, or managing agents of any party to the action, may be called and examined as if under cross-examination at the instance of any adverse party. The party calling for the examination is not precluded thereby but may rebut the testimony thus given by counter testimony and may impeach the witness by proof of prior inconsistent statements.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

## Section 125.195 Hostile Witnesses

If the Hearing Examiner in an adjudicatory hearing determines that a witness is hostile or unwilling, the witness may be examined by the party calling him as if under cross-examination. The party calling a witness, upon a showing that he called the witness in good faith and is surprised by his testimony, may impeach the witness by proof of prior inconsistent statements.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

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## Section 125.199 Compelling Appearance at Hearing

The appearance at the an adjudicatory hearing of a party or a person who is an officer, director or employee of a party may be required by serving the party with a notice designating the person who is required to appear. If the party or person is a non-resident of the State, the Hearing Examiner shall provide by order such terms and conditions in connection with his appearance at the hearing as are just, including payment of his reasonable expenses. The notice also may require production at the hearing of documents or tangible things.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

## SUBPART B: CLOSED PRELIMINARY HEARINGS

## Section 125.245 Appointment of Hearing Examiner - Notice of Closed Preliminary Hearing Order of Closed Preliminary Hearing

a) Within three (3) days after the filing of a complaint, the General Counsel shall appoint a Hearing Examiner to conduct a closed preliminary hearing on the allegations of the complaint. The Hearing Examiner shall have authority as provided in Section 125.95. The General Counsel shall immediately serve upon all complainants and all respondents a written Notice of Appointment of the Hearing Examiner stating the name, business address and telephone number of the Hearing Examiner. If the complaint is filed within sixty (60) days preceding the date of an election in reference to which the complaint is filed, the General Counsel shall appoint such Hearing Examiner within twenty-four (24) hours after the filing of the complaint, and also shall give telephonic or telegraphic notice of the appointment to all complainants and all respondents, which notice shall be deemed supplementary to the written Notice of Appointment.

a) Complaints may be filed by Board members, Board staff, or private persons in accordance with Section 9-20 of the Act.

b) Within twenty-four (24) hours after appointment, the Hearing Examiner shall designate a time and place for the closed preliminary hearing and shall immediately serve a written Notice of Hearing upon all complainants and all respondents, stating the time and place of such hearing. If the complaint is filed within sixty (60) days preceding the date of an election in reference to which the complaint is filed, the Hearing Examiner also shall give telephonic or telegraphic notice of the hearing to all complainants and respondents, which notice shall be deemed supplementary to the written Notice of Hearing.

b) In accordance with the time constraints stated in Section 9-21 of the Election Code, the Executive Director shall appoint an Examiner, who shall be a licensed attorney or a Board employee of the classification Election Specialist III or higher, who possesses at least two years experience as an Election Specialist of any rating, and the Director of the Division of Campaign Disclosure shall enter an order directing



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a closed preliminary hearing be held on the complaint, designating the time and place of the hearing.

c) The Notice of Appointment served upon the respondent pursuant to the provisions of this section shall have attached thereto a copy of the complaint initiating the hearing.

d) The Examiner may be the Director of the Campaign Disclosure Division or any person designated by the Executive Director.

e) The Notice of Closed Preliminary Hearing shall contain a statement that the respondent(s) has the right to be represented by legal counsel in any proceeding conducted by the State Board of Elections including preliminary hearing proceedings.

f) A copy of such order shall be served on the complainant, if different from the Board or its staff, and upon the respondent. Such order shall have attached a copy of the complaint.

g) The order shall contain a recitation that the respondent may be represented by counsel at the closed preliminary hearing.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

## Section 125.250 Time of Preliminary Hearing (Repealed)

Within ten (10) days after the filing of a complaint, the Hearing Examiner shall hold a closed preliminary hearing, provided, however, that if the complaint is filed within sixty (60) days preceding the date of the election in reference to which the complaint is filed, the preliminary hearing shall be held within four (4) days after the filing of the complaint.

(Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

## Section 125.252 Scope of Preliminary Hearing - Procedures - Evidence

The purpose of the closed preliminary hearing shall be to elicit evidence on the question whether the complaint was filed on justifiable grounds. All complainants and all respondents shall be permitted to present written materials and documents, to testify at the hearing, and to cross-examine witnesses. Additional testimony from persons not parties to the proceedings may be received within the discretion of the Hearing Examiner in exercising his discretion the Hearing Examiner shall consider:

- a) the limited purpose of the hearing
- b) the nature of the testimony to be offered and
- c) the time requirements for final decision as provided in Section 9-21 of the Act. The Hearing Examiner shall determine if the complaint is filed on justifiable grounds.

The closed preliminary hearing is not an adjudication, but shall be an inquiry to elicit evidence on the question whether the complaint was filed on justifiable grounds, and having some basis in fact and law.

a) The closed preliminary hearing shall be conducted by the Examiner.

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b) Minutes of the closed preliminary hearing shall be kept by the Board staff and signed by the Examiner. A party may record the proceedings by employing his or her own court reporter, or otherwise recording the hearing. Minutes of the closed preliminary hearing shall be made available to any party upon request.

c) The closed preliminary hearing need not be strictly adversarial in nature:

1) Any person offering evidence, written or oral shall affirm to the Examiner that his or her evidence is true to the best of his or her information and belief;

2) Evidence may be submitted in narrative form;

3) The Examiner shall not be bound to follow rules of evidence acceptable in an Illinois court of record, but may admit and rely upon for his or her recommendation such evidence or information of a type commonly relied upon by reasonably prudent men in the conduct of their affairs as provided by Section 12 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1012);

4) The complainant bears the burden of introducing such evidence or information sufficient under subsection (c)(3), for the Board to conclude that the complaint has been filed on justifiable grounds;

5) The complainant will ordinarily present evidence or information supporting its complaint first in order. The complainant will present his case first except when convenience to the Examiner or the respondent requires the respondent to proceed first. The consent, in such cases, of the complainant will be required. The respondent may then present any information or evidence; and

6) The Examiner may ask the complainant or respondent any questions relevant to the charges of the complaint. Any question is relevant if it has the possibility of eliciting an answer which tends to make the ultimate fact of justifiable grounds more or less likely.

d) At the close of the hearing the Examiner shall summarize his or her conclusions concerning the evidence and information represented and draft a recommendation to the Board addressing the questions whether the complaint was filed on justifiable grounds. The Examiner shall also attach to the minutes any documents tendered to the Board during the hearing, and submit his recommendation and the minutes to the Board for their consideration. He shall send a copy to the General Counsel.

e) The Examiner shall have no authority to rule on any questions of law raised by the complainant or respondent, but shall note in the minutes all such matters for the Board's disposition.

f) At any time before the Examiner submits his recommendation and minutes, the complainant and respondent may settle the matters between them, subject to the approval of the Board. If the Board or a member of its staff is the complainant, the Examiner shall have the authority to enter into a stipulation for settlement pursuant to Section 125.254



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of this Part, which stipulation shall be subject to Board approval.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

**Section 125.253 Responsibilities of the General Counsel**

- a) Upon receipt of a copy of the recommendation of the Examiner and the minutes, the General Counsel shall:
  - 1) Review the minutes for questions of law and evidence;
  - 2) Offer his remarks and recommendations on all matters of law noted in the minutes;
  - 3) When such comment would assist the Board in understanding the recommendation of the Examiner, the recommendation is against the manifest weight of the evidence or otherwise subject to dispute, comment upon matters of evidence; and
  - 4) Transmit his remarks and recommendations to the Board in accordance with the time constraints stated in Section 9-21 of the Election Code.
- b) If no question of law or fact requires the General Counsel's comment or recommendation, he shall so note without further remark.

(Source: Added at 14 Ill. Reg. 10832, effective June 22, 1990)

**Section 125.254 Stipulated Settlement**

- a) Whenever a closed preliminary hearing is conducted, the parties shall be afforded an opportunity to come into compliance with any applicable requirement of the Act, the Election Code, or any rule of the Board and to dispose of all matters in dispute by written stipulation or agreed order approved by the Board. Provided however, if the committee has previously failed to comply with the requirements of the Act, the Election Code or any rule of the Board, then any stipulation or agreed order must be submitted to the Board and shall not be effective unless approved by the Board. Repeated failures to comply with the Act, the Election Code, or rules of the Board shall entitle the Board to reject any proposed stipulation or agreed order and to direct that a complaint be filed. "Repeated failures" means more than one.
- b) Any written stipulation or agreed order issued pursuant to this Section shall include a provision known as the "Standing Order" provision as referred to in Section 125.420, requiring that all subsequent reports, statements or filings required by the Act must be made within the time limits set forth in the Act, and that any failure or refusal to comply with filing deadlines shall result in the imposition of the following civil penalties in accordance with Section 125.425. Any such standing order provision shall remain in effect for a period of 12 months from the date of the final order, stipulation or agreed order.

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- c) Any person who fails or refuses to comply with the terms of a standing order provision shall be notified by the Board by service as set forth in Section 125.425, that the Board shall issue an order imposing a civil penalty in accordance with the schedule set forth in this Rule. Such person shall be afforded an opportunity to appear at the next regularly scheduled or special Board meeting and to show cause why such a civil penalty shall not be imposed. For purposes of this subsection, cause shall consist of proof that the report was submitted on time, as evidenced by a date stamp on the received document or other evidence submitted to the Board.
- d) Any civil penalties imposed pursuant to this Section may be enforced and collected in accordance with Section 125.430.
- e) In approving any stipulation or agreed order under this Part the Board shall consider, but not be limited to, any evidence offered and noted by the Examiner or Hearing Examiner of the following factors:
  - 1) A party's history of compliance with the Act, the Election Code, or rules of the Board;
  - 2) Any evidence of respondent's ignorance of a material fact which led to the conduct which was the source of the complaint;
  - 3) The degree of cooperation exhibited by the respondent with Board staff, the Hearing Examiner or Examiner and,
  - 4) Factors in mitigation or factors in aggravation of the circumstances complained of in the complaint.

(Source: Added at 14 Ill. Reg. 10832, effective June 22, 1990)

**Section 125.255 Transcript of Preliminary Hearing (Repealed)**

- a) ~~Grat-t testimony-and-all-other-proceedings-at-a-closed-preliminary hearing-shall-be-recorded-by-a-certified-court-reporter-but-need-not be-transcribed-unless-requested-by-a-party-The-party-requesting-the transcription-shall-pay-for-its-cost-Except-as-otherwise-provided-by the-Board-the-notes-or-transcriptions-thereof-shall-be-filed-with the-General-Counsel-and-shall-not-be-available-to-anyone-except-the Board-the-General-Counsel-the-parties-to-the-proceedings-and-the Hearing-Examiner-conducting-the-hearing-except-upon-order-of-a-Court- If-the-Board-determines-that-the-complaint-has-been-filed-on justifiable-ground-or-notes-or-transcriptions-of-the-preliminary hearing-may-be-requested-and-made-available-to-the-public-the-Board at-its-discretion-may-impose-the-transcript- if-the-Board-determines-the-complaint-was-not-filed-on-justifiable ground-and-if-no-appeal-is-pending-pursuant-to-Section-125.249-then the-transcript-of-the-preliminary-hearing-will-be-made-available-to the-public-only-at-the-option-of-the-respondent-~~
- b) ~~if-the-Board-determines-that-the-complaint-has-been-filed-on justifiable-ground-or-notes-or-transcriptions-of-the-preliminary hearing-may-be-requested-and-made-available-to-the-public-the-Board at-its-discretion-may-impose-the-transcript- if-the-Board-determines-the-complaint-was-not-filed-on-justifiable ground-and-if-no-appeal-is-pending-pursuant-to-Section-125.249-then the-transcript-of-the-preliminary-hearing-will-be-made-available-to the-public-only-at-the-option-of-the-respondent-~~
- c) ~~if-the-Board-determines-that-the-complaint-has-been-filed-on justifiable-ground-or-notes-or-transcriptions-of-the-preliminary hearing-may-be-requested-and-made-available-to-the-public-the-Board at-its-discretion-may-impose-the-transcript- if-the-Board-determines-the-complaint-was-not-filed-on-justifiable ground-and-if-no-appeal-is-pending-pursuant-to-Section-125.249-then the-transcript-of-the-preliminary-hearing-will-be-made-available-to the-public-only-at-the-option-of-the-respondent-~~

(Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)



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## Section 125.260 Report of Hearing Examiner (Repealed)

Immediately upon the conclusion of a closed preliminary hearing, the Hearing Examiner shall submit to the Board and to the General Counsel a written report on the hearing that summarizes all testimony and includes any and all documentary evidence received during the hearing along with his recommendation as to whether the complaint has been filed on justifiable grounds. The General Counsel shall promptly review the report and shall transmit his opinion and recommendation to each member of the Board.

(Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

## Section 125.262 Board Determination

a) After the submission of the report and recommendations of the Hearing Examiner, the minutes, and the recommendations the opinion of the General Counsel, if any, the Board shall determine whether the complaint was filed on justifiable grounds. If the Board determines that the complaint was not filed on justifiable grounds, it shall enter a final and appealable order dismissing the complaint without further hearing. If the Board determines that the complaint appears to have been filed on justifiable grounds, it shall order a public hearing to be conducted in accordance with the provisions of Subpart C of this Part.

b) In the case of a complaint filed within sixty (60) days preceding the date of an election in reference to which the complaint is filed, the Board shall make its determination within forty-eight (48) hours of the submission of the report of the Hearing Examiner and the opinion of the General Counsel.

b) The Board may consider and discuss the Examiner's recommendation through a conference telephone call begun in open session and continued in executive session in lieu of an in-person meeting, and such consideration and discussion shall be deemed part of the closed preliminary hearing process. Any action on the Examiner's report recommendations must be taken in open session, or if taken as part of the telephonic conference call, that portion of the conference call shall be broadcast over a speaker phone or other similar device at both the permanent and branch offices of the Board and that portion of the broadcast call be open to the media and public.

c) In the event the Board does not reach a decision within the time specified by paragraphs (a) or (b) of this Section 125.62, such fact shall be deemed to be a final order of the Board adopting the recommendations and findings of the Hearing Examiner.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

## Section 125.270 Record of Preliminary Hearing on Appeal Administrative Review

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Upon appeal from a final order of the Board dismissing a complaint following a closed preliminary hearing, the transcript minutes and documentary evidence received during the preliminary hearing, together with the report and recommendation of the Hearing Examiner, the opinion recommendation of the General Counsel, if any, and the final order of the Board, shall constitute the record on appeal administrative review pursuant to Ill. Rev. Stat. 1987, ch. 110, pars. 3-101 et seq. Before the transcript is filed, the Hearing Examiner shall notify the parties that the transcript has been prepared, shall receive corrections from any parties, shall examine the transcript for accuracy, and then shall certify that it is a true and correct transcript of the hearing. The filing of the record on appeal shall be "in camera" with the court having jurisdiction over the appeal, and any public inspection or release thereof shall be subject to order of that court. If a party has caused a verbatim transcript of the closed preliminary hearing to be made, he, at his election, may submit that transcript for inclusion in the record on administrative review. Legal counsel for the Board shall be instructed to seek leave of Court to file the record on administrative review "in camera" with the Court having jurisdiction over the review. Any public inspection or release thereof may be subject to order of that Court. Before the record is filed, the Examiner shall notify the parties that the record has been prepared, shall receive corrections from any parties, shall examine the record for accuracy, and then shall certify that it is a true and accurate record of the hearing.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

## Section 125.272 Order of Public Hearing

- a) In the event that the Board orders a public hearing, the General Counsel Board shall within twenty-four (24) hours as Section 9-21 of the Election Code requires appoint a Hearing Examiner to conduct a public hearing on the complaint and shall immediately serve upon all parties a written Notice of Appointment of the Hearing Examiner, stating the name, business address and telephone number of the Hearing Examiner, together with a copy of the Board's order after the closed preliminary hearing. If the complaint is filed within sixty (60) days preceding the date of an election in reference to which the complaint is filed, the General Counsel also shall promptly give telephonic or telegraphic notice of the appointment to all parties, which notice shall be deemed supplementary to the written Notice of Appointment.
- b) Within twenty-four (24) hours after appointment, the Hearing Examiner shall, in accordance with the time constraints stated in Section 9-21 of the Election Code, designate a time and place for the public hearing and shall immediately serve a written Notice of Hearing upon all parties, stating the time and place of such hearing. If the complaint is filed within sixty (60) days preceding the date of an election in reference to which the complaint is filed, the Hearing Examiner also shall promptly give telephonic notice of the hearing to



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all parties, which notice shall be deemed supplementary to the written Notice of Hearings.

- c) The Notice of Hearing shall contain a statement that the respondent(s) has the right to be represented by legal counsel in any proceeding conducted by the State Board of Elections, including public hearing proceedings.

- d) Unless all parties to the proceedings so stipulate, the Hearing Examiner who conducted the Closed Preliminary Hearing shall not conduct the Public Hearing.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

## Section 125.275 Time and Conduct of Public Hearing (Repealed)

The Hearing Examiner shall hold a public hearing on a complaint determined to have been filed on justifiable grounds within seven days after the filing of the complaint; provided, however, that if the complaint is filed within sixty days preceding the date of the election in reference to which the complaint is filed, said hearing shall be held within six days after the filing of the complaint. Public Hearings under the Act shall be conducted in accordance with Subpart C of this Part.

(Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

## SUBPART C: PUBLIC ADJUDICATIVE HEARINGS

## Section 125.340 Notice of Hearing

In adjudicative hearings other than those commenced pursuant to Subpart B of this Part, the Hearing Examiner shall, within 48 hours after receipt of notification of his appointment, designate a time and place for the public hearing, within any time limits as may be prescribed by law. The Hearing Examiner shall serve notice of the time and place of hearing upon all parties in accordance with Section 125.40.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

## SUBPART D: FINAL ORDERS

## Section 125.420 Order of the Board; Civil Penalties

- a) In addition to any complaint disposed of by written stipulation, agreed settlement or consent order pursuant to Section 9-21 of the Election Code (Ill. Rev. Stat. 1983, ch. 46, par. 9-21), the Board shall review the reports submitted by the Hearing Examiner and the General Counsel, and any objections, briefs or memoranda filed by any

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party to the hearing, and shall issue its final order within the time specified in Section 9-21 of the Election Code (Ill. Rev. Stat. 1983, ch. 46, par. 9-21). If the hearing was extended by stipulation or order of the Hearing Examiner pursuant to Section 125.160, then the Board decision shall be issued:

- 1) within 36 hours of the Hearing Examiner's Report if the complaint was filed within 60 days prior to an election and related to such election, or
- 2) within 60 days in all other instances.
  - A) Oral argument before the Board prior to issuance of a final order or approval of a written stipulation, agreed settlement or consent order shall be permitted at the Board's discretion, if the Board determines supplemental testimony will provide heretofore undiscovered relevant testimony.
  - B) The Board may consider, discuss and take final action on any final order, written stipulation, agreed settlement or consent order through a conference telephone call in lieu of an in-person meeting. Notice shall be given to the media in advance of such conference call. The call shall be broadcast over speaker phone or other similar device at both the permanent and branch offices of the Board and such broadcast shall be open to the media and public. The entire conference shall also be recorded by a certified court reporter.

- b) Whenever the Board determines a person to be in violation of any provision of the Act or any regulation adopted thereunder, the final order, written stipulation, agreed settlement or consent order shall direct that person to cease or correct such violation or otherwise comply with the Act or regulation within such time as the Board may specify, but not within less than fifteen (15) days.

- c) The Board shall also notify the person, as part of its final order, written stipulation, agreed settlement or consent order that it shall impose a civil penalty, not to exceed \$1,000, on any person who fails or refuses to comply with such final order, written stipulation, agreed settlement or consent order within the time specified by the Board. The amount of civil penalties shall be computed as follows: The procedure for assessment and the amount of civil penalties shall be as set out in Section 125.425 of this Part.

- 1) For the failure or refusal to file a pre-election report required by Section 9-10 of the Act, \$100 per day for each day the pre-election report is delinquent.

- 2) For the failure or refusal to file any other report or statement required by the Act or by the Board pursuant to its final order, \$50 per day for each day the report or statement is delinquent.

- d)
  - 1) Any final order, written stipulation, agreed settlement or consent order issued shall include a provision, referred to as a



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"Standing Order" provision, requiring that all subsequent reports, statements or filings required by the Act, during the period the standing order provision is in effect, must be made within the time limits set forth in the Act, and that any failure or refusal to comply with such filing deadlines shall result in the automatic imposition of the following civil penalties by the Board in an amount not to exceed \$1,000:

A) For the failure or refusal to file a pre-election report required by Section 9-10 of the Act--\$100 per day for each day the pre-election report is delinquent;

B) For the failure or refusal to file any other report or statement required by the Act--\$50 per day for each day the report or statement is delinquent;

2) Any such "Standing Order" shall remain in effect for a period of 12 months from the date of the final order, stipulation or agreed order.

e) Any person who fails or refuses to comply with the terms of a final order and/or standing order provision shall be notified by the Board by service as set forth in Section 125-180, that the Board shall issue an order imposing a civil penalty in accordance with the schedule set forth in this section. Such person shall be afforded an opportunity to appear at the next regularly scheduled or special board meeting to show cause why such a civil penalty should not be imposed.

1) The Board shall waive the imposition of any civil penalty upon a showing of extreme hardship, including but not limited to the death or disability of the candidate or treasurer of the political committee, rendering it impossible to comply with the Board's final order and/or standing order provision.

f) Whenever an order imposes a civil penalty, the order shall direct the General Counsel to petition the appropriate Circuit Court for an order to enforce collection of the penalty pursuant to the provisions of Section 9-23 of the Election Code.

g) In addition to, or in lieu of, the imposition of a civil penalty, the Board's order may also direct that violations of the Act, any rule adopted thereunder, or any order issued by the Board, be reported to the Attorney General and the appropriate State's Attorney whenever there appears to be any evidence to suggest that there has been a willful failure to file or willful filing of false or incomplete information required by the Act and such willful failure to file or willful filing of false and incomplete information may possibly constitute a criminal violation of the Act pursuant to Section 9-26 of the Act.

h) The Board's order imposing a civil penalty shall become effective immediately upon execution of the final order or as otherwise specified in the order, the Election Code or other rule of the Board.

i) All parties to the proceeding shall be notified promptly of any and all orders and exact copies of such order shall be personally delivered or mailed by certified or registered mail to each attorney of record.

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(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

## Section 125.425 Civil Penalty Assessments

a) As used in this Section, "authorizing candidate" means any candidate who has at any time during the reporting period for the report in question or prior thereto filed with the committee an authorization in accordance with Section 9-8 of the Election Code.

b) A report required to be filed within a specified time pursuant to Section 9-10 of the Election Code is delinquent if not received by the Board on or before the due date. Document(s) are deemed received by the Board as of the date date-stamped by Board staff on the document(s) submitted.

c) If the report continues to be delinquent, and if the political committee is currently under stipulation, it is subject to an increasing civil penalty as provided herein, until received by the Board.

d) When a report is delinquent, the Board will send notice of delinquency to the chairman and the treasurer of each delinquent state, state and local, and local political committee no later than four (4) days after the due date of the report. Notice of delinquency shall also be sent to any candidate listed by name on that committee's Statement of Organization. If a delinquent state, state and local, or local political committee is currently under stipulation, such notice shall state that a fine is being assessed for each late day.

e) Upon receipt of a delinquent campaign disclosure report, the Board shall send by certified mail to all delinquent political committees not currently under stipulation, a partially completed stipulation and agreed order for signature. The Board shall file a complaint against any such political committee failing to return such properly completed stipulation within 30 days of the mailing of the stipulation or within 10 days after the political committee's acceptance of same. If a political committee is currently under stipulation the Board will:

1) Calculate the initial civil penalty for each day of delinquency as follows:

A) If its total receipts, total expenditures, and the balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000.00 or less, and if the delinquent report is not a pre-election report, the political committee shall be assessed a fine of \$25.00 per business day for the first violation of a stipulation, \$50.00 per business day for the second violation, and \$75.00 per business day for the third and each subsequent violation;

B) If its total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due exceeds \$5000.00, and if the



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delinquent report is not a pre-election report, the political committee shall be assessed a fine of \$50.00 per business day for the first violation of a stipulation, \$100.00 per business day for the second violation, and \$200.00 per business day for the third and each subsequent violation.

C) If its total receipts, total expenditures, and balance remaining at the end of the reporting period for which the delinquent report was due are each \$5000.00 or less and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of \$100.00 per business day for the first violation of a stipulation, \$200.00 per business day for the second violation, and \$300.00 per business day for the third and each subsequent violation; or

D) If its total receipts, total expenditures, or balance remaining at the end of the reporting period for which the delinquent report was due, exceeds \$5000.00, and if the delinquent report is a pre-election report, the political committee shall be assessed a fine of \$200.00 per business day for the first violation of a stipulation, \$400.00 per business day for the second violation, and \$600.00 per business day for the third and each subsequent violation; and

2) Mail to the chairman and the treasurer of the political committee, as well as to any candidate listed by name on that committee's current Statement of Organization, notice of the civil penalty assessed against the political committee within five (5) days after receipt of a delinquent report and include therewith:

- A) a statement of the amount of the assessed penalty;
- B) a request for hearing form;
- C) an appeal affidavit form; and
- D) a request for waiver of appearance form.

f) A political committee assessed a civil penalty for being delinquent in filing a required report may:

- 1) submit, within 30 days of the mailing of the assessment notice described in subsection (e)(2) of this Section, a request for waiver of appearance and appeal affidavit in the form provided by the Board stating the reasons for requested waiver of appearance and the reasons for the late filing to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths or be made pursuant to Section 1-109 of the Code of Civil Procedure (Ill. Rev. Stat. 1987, ch. 110, par. 1-109); or
- 2) submit within 30 days of the mailing of the assessment notice described in subsection (e)(2) of this Section, a request for hearing and appeal affidavit in the form provided by the Board

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stating the reasons for the late filing to show why a civil penalty should not be assessed. This appeal affidavit shall either be in writing made under oath and upon penalty of perjury sworn to before a notary public or any person authorized to administer oaths or be made pursuant to Section 1-109 of the Illinois Code of Civil Procedure (Ill. Rev. Stat. 1987, ch. 110, par. 1-109); or

3) pay, within thirty (30) days of the mailing of the assessment notice described in subsection (e)(2) of this Section, the civil penalty assessed.

g) If a political committee subject to a civil penalty assessment for the late filing of a campaign disclosure report fails, within the time required, to submit a request for hearing and appeal affidavit, to submit a request for waiver of appearance and appeal affidavit, or to make payment in full of the assessed civil penalty, then the Board shall proceed with efforts at collection pursuant to the Illinois State Collection Act of 1986 (Ill. Rev. Stat. 1987, ch. 15, pars. 151 et seq.). The Board shall not hear an appeal if neither a request for waiver of appearance and appeal affidavit nor a request for hearing and appeal affidavit is filed within the time required.

h) A request for waiver of appearance and appeal affidavit in the form provided by the Board, timely filed within thirty (30) days of the mailing of the assessment notice described in subsection (e)(2) of this Section with the Board, if denied at the next meeting of the Board occurring at least seven (7) days after receipt of said request and affidavit, will be considered at the then next following regular meeting, upon written notice to the political committee specifying the date, time and location of said meeting. Each said request and affidavit shall be received by the Board to the political committee filing same, with said receipt to contain the date of receipt and the date, time and location of the next regular meeting of the Board occurring at least seven (7) days after the receipt of said request and affidavit. At that following meeting, either the chairman, the treasurer or, an authorizing candidate of the political committee, shall be present in person. If such a representative of the political committee is not present, the appeal shall be denied.

i) A request for hearing and appeal affidavit form timely filed with the Board within thirty (30) days of the mailing of the assessment notice described in subsection (e)(2) of this Section will be considered at the next regular meeting of the Board occurring at least seven (7) days after receipt of said request and affidavit. Each said request and affidavit shall be received by the Board to the political committee filing same, with said receipt to contain the date of receipt, and the date, time and location of the next regular meeting of the Board occurring at least seven (7) days after the receipt of said request and affidavit. If neither the chairman, the treasurer, nor, an authorizing candidate of the political committee is present at the requested hearing, the appeal shall be denied.

j) If the political committee's appeal is:



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- 1) denied by the Board, the Board will require that the civil penalty originally assessed be paid within thirty (30) days after the date of the hearing;
- 2) if the appeal is accepted by the Board, the Board will waive the civil penalty assessment, provided that the Board may waive the fine only if the political committee can present documentation proving that it did file the report in question on time. Document(s) are deemed received by the Board as of the date date-stamped by Board staff on the document(s) submitted.
- k) Any party adversely affected by a final order of the Board may file a written motion to reconsider the order pursuant to Section 125.440. A timely motion for rehearing extends the period in which the respondent may pay the fine, unless the motion is heard and decided within the 30 day period, until the motion is heard and decided. A motion for rehearing does not toll the running of the 30 day period except to the extent that it is necessary to hear and decide the motion.
- l) Any authorizing candidate, treasurer, or chairman paying an assessed civil penalty may, upon request to the political committee be reimbursed such amount from funds of the political committee, if and when such funds become available.
- m) If agreed to by the political committee, the Board shall extend the stipulation and agreed order for an additional twelve month period for each committee assessed a late fine.
- n) The civil penalty for a single violation may not exceed \$1,000.00; provided that each report which is not timely and properly filed by a political committee shall be a separate single violation.

(Source: Added at 14 Ill. Reg. 10832, effective June 22, 1990)

SUBPART E: INVESTIGATIONS, INQUIRIES AND HEARINGS  
PURSUANT TO SECTION 9-18

## Section 125.510 Applicability (Repealed)

~~This Part shall apply to all investigations, inquiries and hearings pursuant to Section 9-18 of the Campaign Finance Act, including but not necessarily limited to State Board of Elections staff efforts to obtain compliance with all disclosure and reporting requirements.~~

(Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

## Section 125.520 Staff Review and Enforcement of Reporting Requirements

Prior to filing a written complaint pursuant to Sec. 9-20 of the Act, the State Board of Elections, through its staff, shall:

- a) Notify in writing each political committee that has failed to file a required report, or whose report is incorrect, incomplete, inaccurate

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or otherwise not in compliance with the law, that with respect to any pre-election report it shall have five (5) days following the receipt of the notice and with respect to any other report it shall have thirty (30) days following the receipt of the notice in which to file a complete or correct, as the case may be, its report. Notification for failure to file a Pre-election Report shall be sent to all candidates on the ballot as well as all participating political committees required to file same report; for a Semiannual Report, notice shall be sent to all established political committees required to file such report. Telephonic notice shall also be given whenever possible to the treasurer or an officer of the political committee.

- b) The written notice required by paragraph subsection (a) above shall be given by:
- 1) Personal service, or
  - 2) By registered or certified first-class mail, return receipt requested. With respect to documents required that have been filed, the notice shall specify to the extent possible the deficiencies claimed in such reports.
  - c) The notice shall also set a time, place and date for a pre-complaint conference to be held in accordance with Section 125.530 below. Such conference must be afforded to any political committee or its chairman or treasurer, or to any other person affected prior to a complaint being filed by or on behalf of the Board.
  - d) For good cause shown, the division head of the Campaign Disclosure Section of the Board may extend the time for compliance for an additional sixty (60) days after the date of the pre-complaint conference. No further extensions of time shall be given without express Board approval, and in those cases where the reporting committee is subject to a "Standing Order" provision as provided in Section 125.420, no extensions of time shall be given.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

## Section 125.530 Compliance Conference

- a) Whenever a compliance conference is conducted, the parties shall be afforded an opportunity to come into compliance with any applicable requirement of the Act, the Election Code, or any rule of the Board and to dispose of all matters in dispute by written stipulation or agreed order. Provided however, if the committee has previously failed to comply with the requirements of the Act, the Election Code or any rule of the Board, then any stipulation or agreed order must be submitted to the Board and shall not be effective unless approved by the Board. Repeated failures to comply with the Act, the Election Code, or rules of the Board shall entitle the Board to reject any proposed stipulation or agreed order and to direct that a complaint be filed.

b)



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- 1) Any written stipulation or agreed order issued pursuant to this section shall include a provision known as the "standing order" provision as referred to in Section 125.420, requiring that all subsequent reports or statements or filings required by the Act must be made within the time limits set forth in the Act, and that any failure or refusal to comply with such filing deadlines shall result in the automatic imposition of the following civil penalties by the Board in an amount not to exceed \$1,000:
- A) For the failure or refusal to file a pre-election report required by Section 9-10 of the Act, \$100 per day for each day the pre-election report is delinquent;
  - B) For the failure or refusal to file any other report or statement required by the Act, \$50 for each day the report or statement is delinquent;
- 2) Any such "standing order" provision shall remain in effect for a period of 12 months from the date of the final order, stipulation or agreed order.
- c) 1) Any person who fails or refuses to comply with the terms of a standing order provision shall be notified by the Board by service as set forth in Section 125.530, that the Board shall issue an order imposing a civil penalty in accordance with the schedule set forth in this Rule. Such person shall be afforded an opportunity to appear at the next regularly scheduled or special board meeting and to show cause why such a civil penalty shall not be imposed.
- 2) The Board shall waive the imposition of any civil penalty upon a showing of extreme hardship, including but not limited to the death or disability of the candidate or treasurer or the political committee, rendering it impossible to comply with the terms of a standing order provision, stipulation or order.
- d) Any civil penalties imposed pursuant to this section may be enforced and collected in accordance with Section 125.430.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)

Section 125.540 Staff Initiated Complaint (Repealed)

If the matters in dispute are not resolved within the time specified in Section 125.520 or through the pre-complaint conference procedure set forth in Section 125.530, then the head of the Campaign Disclosure Division or any member of his staff may file a complaint in accordance with Sec. 9-20 of the Act.

(Source: Repealed at 14 Ill. Reg. 10832, effective June 22, 1990)

SUBPART F: RULE-MAKING AND NON-ADJUDICATIVE HEARINGS

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Section 125.610 Applicability

The Rules Sections in this Subpart shall apply to all rulemaking and other non-adjudicative hearings and procedures except for closed preliminary hearings under Subpart B of this Part. Hearings conducted pursuant to this Subpart shall be deemed in the nature of legislative hearings.

(Source: Amended at 14 Ill. Reg. 10832, effective June 22, 1990)







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In this same Section, in the definition of (time-out), the phrase "for a reasonable period of time not to exceed 30 minutes" was added.

**Section 115.200(b)** - The parenthetical phrase "(e.g., an agency that serves only individuals with autism)" and the last two sentences were added.

**Section 115.220(b)(2)** - The word "facilities" was substituted for the word "environments"; the phrase "when the facilities permit" was added.

**Section 115.230(b)(2)** - The phrase "legally competent" was corrected to read "not legally disabled".

**Section 115.230(e)(4)(D)** - The parenthetical reference to Section 115-Appendix A and the address, "One DLM Park, Allen, Texas 75002" was added.

**Section 115.230(j)** - The end punctuation was changed to a period.

**Section 115.240(h)** - The phrase "as accessed by a physician" was added following the phrase "self-medicate".

**Section 115.250(c)(2) and (3)** - Rewritten. The last sentence of this subsection was relabeled "(4)".

**Section 115.250(e)** - Added.

**Section 115.300(b)** - The phrase "shall insure that buildings containing owned or leased living arrangements" and the last sentence were added.

**Section 115.300(c)(5)(D)(iv)** - Rewritten

**Section 115.300(c)(6)(B)** - The word "vermin" was substituted for the phrase "insects and rodents". Note: This change, although included in the modifications discussed with the Joint Committee on Administrative Rules, was made during second notice in response to public comment.

**Section 115.310** - Rewritten. The heading was corrected to be consistent with the heading in the table of contents.

**Section 115.320(a)(2)** - The word "principal" before the word "stockholders" was deleted.

**Section 115.320(a)(3)** - The word "minimally" after the words "which shall" was deleted.

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**Section 115.320(a)(4)** - The phrase "ownership interest and receive no income from" was substituted for the phrase "direct or indirect financial interest".

**Section 115.320(b)(1)** - The word "ownership" was substituted for the phrase "direct or indirect financial" before the word "interest" and the phrase "and receive no income from the agency" was substituted for the phrase "in the agency" after the word "interest".

**Section 115.320(f)** - The heading was changed to read "staff training".

**Section 115.320(h)(3)(F)** - The word "(a)rranged" was substituted for the word "(s)ubcontracted"; the phrase "in accordance with this Part" was added.

**Section 115.320(i)** - The phrase "handling, investigating, and reporting of unusual incidents" was substituted for the word "this".

**Section 115.320(i)(1)(D)** - Rewritten to reference the definition of "(a)buse" in Section 115.120.

**Section 115.320(i)(3)** - Rewritten. The last sentence was relabeled "(4)".

**Section 115.320(j)(2)** - The phrase "the program site at which individuals are being served" was substituted for the phrase "a site". The phrase "designated by the agency that is accessible and convenient to staff contributing to the services plan" was deleted.

**Section 115.320(j)(4)(A)** - Added, causing the following subsections to be relabeled.

**Section 115.320(j)(4)(C)(relabeled)** - The phrase "and reassessments" was substituted for the phrase "final assessment".

**Section 115.410(c)** - Placed in boldface type to denote statutory language.

**Section 115.410(d)** - The fourth and fifth sentences were added.

**Section 115.420(a)(2)** - Added, causing former subsection "(2)" to be relabeled "(3)".

**Section 115.420(b)** - The word "shall" was substituted for the word "may".



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**Section 115.430(b)** - The second sentence and the phrase "of the postmark date" were added.

**Section 115.430(c)** - The phrase "a completed application" was substituted for the phrase "the application". The last sentence was added.

**Section 115.460(b)** - In the first line, the word "shall" was substituted for the word "may". The word "shall" was added before the word "deny".

**Section 115.460(c)** - Rewritten

**Section 115.470** - Rewritten to include more extensive hearing rules.

In addition, the acronym "CILA's" was corrected to read "CILAs" throughout this rulemaking.

**The following changes were made in response to the Administrative Code Division's suggestions:**

**Section 115.110** - The phrase "or regulations" in the first line was deleted.

**Section 115.120** - In the definitions of "(a)gency" and "(c)ommunity-integrated living arrangements", the phrase following the words "Certification Act" in the citation was deleted.

In the definitions of "(d)developmental disability", "(h)abilitation", "(s)eclosure" and "(t)reatment", the phrase following the word "Code" in the citation was deleted.

In the definition of "(q)ualified mental retardation professional", the statutory citations in the first, second, third, sixth and seventh subsections were deleted. In this same definition, the punctuation of the statutory citations in the fourth and eighth subsections was corrected.

**Section 115.220(c)(14)** - The parentheses surrounding "d" in the last line were deleted.

**Section 115.250(a) and (b)** - The statutory citations following the words "Code" and "Act" were deleted.

**Section 115.300(c)(1)** - The title of the cited Act was corrected to read "Smoke Detector Act".

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**Section 115.300(d)(5)(D)** - The subsections were relabeled "(i), (ii), (iii) and (iv)".

**Section 115.320(f)(1)(E)** - The statutory citations following the words "Code" and the word "Act" were deleted.

**Section 115.320(g)(relabeled)** - The label "f" was added before the subsection references.

**Section 115.320(i)(3)(relabeled)** - The title of the cited Act was corrected to read "Abused and Neglected Long Term Care Facility Residents Reporting Act".

**Section 115.320(j)(1)(relabeled)** - The statutory citation after the word "Act" was deleted.

**Section 115.410(b)** - The statutory citations after the words "Act" both times they appear and "Code" have been deleted.

**Section 115.410(b)(2)** - The Administrative Code Division questioned the use of the word "which" in the last line. "(W)hich" is correct.

**Section 115.410(f) and Section 115.420(b)** - The statutory citation after the word "Act" was deleted.

**Section 115.460(a)(6)** - The statutory citation after the word "Code" was deleted.

**The following changes were made in response to public comment:**

**Section 115.120** - In the definition of "(a)gency", the word "agency" was deleted and the phrase "organization licensed by the Department" was added after the word "services".

The definitions of "(a)gency supervision", "(c)ertification", "(c)ommunity integration" or "integration into the community", "(c)onsumer representatives", "(e)conomic self-sufficiency" and "(f)independence in daily living" were added.

In the definition of "(c)ommunity-integrated living arrangement (CILA)", the phrase "and are provided with an array of services" was added after the word "agency".

In the definition of "(c)ontinuous supervision or support", the phrase "to an individual under the auspices of the licensed agency" was added after the word "provided".



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In the definition of "(i)minent risk", the word "supervised" was substituted for the word "served" after the word "being".

The definition of "(i)ndividual" was changed to read "(i)ndividual" or "individuals". The phrases "or persons" and "receives or" were added; the word "is" was deleted and the word "receive" was substituted for the word "receiving".

In the definition of "(i)nformed consent", the phrase "based on full disclosure to the individual or guardian of the benefits and/or liabilities of participation in" was substituted for the phrase "for the release of information, for participation in CILA services specified or for the use of a" after the word "guardian"; the phrase "and/or services including releases of information" was added after the word "procedures"; and the phrase beginning with the word "based" following the word "plan" was deleted.

In the definition of "(i)nterdisciplinary process", the word "initiated" after the word "systems", the word "collaboratively" after the words "order to" and the phrase "and implement" after the word "develop" were added to the first sentence. In the next to the last line, the word "other" was added before the word "members".

In the definition of "(i)ntermittent supervision or support", the phrase "to an individual under the auspices of a licensed agency" was substituted for the phrase "by on-site staff" after the word "provided" in the first sentence.

In the definition of "(s)elf-administration of medications", the word "correctly" was added before the word "take".

In the definition of "(s)urvey", the phrase "and observation of a sample of CILAs" was added after the word "staff" in the last sentence.

**Section 115.200(a)** - The phrase "the supervised supportive services which promote residential stability for an individual" was substituted for the phrase "a community-based service system which focuses on an individual" in the first sentence.

The words "and/or" were substituted for the word "including" after the words "general public" in the second sentence and the phrase beginning with the words "or resulting" was added to the end of the last sentence after the word "individual".

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**Section 115.210(a)** - In the first sentence, the phrase "an array of services and a supervised" was substituted for the words "a supportive".

**Section 115.215** - Added.

**Section 115.220** - The phrase following the abbreviation "(CST)" was deleted.

**Section 115.220(c)(4)** - The phrase "informational, educational and advocacy" was substituted for the word "supportive".

**Section 115.220(c)(6)** - In the seventh line, the phrase "to ensure the maintenance of the" was substituted for the phrase "in order to maintain the" and the phrase following the word "times" was added to the end of this subsection.

**Section 115.220(c)(12)** - The phrase "observing and reporting" was substituted for the word "assessing" after the word "including".

**Section 115.220(c)(14)** - The phrase "including representative payeeship" was added after the word "management".

**Section 115.220(d)** - Added, causing the relabeling of subsections (d) and (e) to (e) and (f).

**Section 115.220(e)(3)(re-labeled)** - The phrase "the family and" after the word "guardian" was deleted; the phrase following the word "professionals" was added.

**Section 115.230(b)(1)** - The word "or" was substituted for the word "and" after the word "individual".

**Section 115.230(b)(5)** - The words "(o)ther members of" were added.

**Section 115.230(e)** - The phrase "at least annually" before the phrase "each individual" was deleted; the word "initial" before "assessment" and the word "reassessments" before the phrase "that shall be documented" were added and the word "and" was substituted for the word "or" before the word "guardian".

**Section 115.230(e)(1)** - An "s" was added to the word "assessment".

**Section 115.230(e)(4)(B)** - The words "adherence to" were added before the word "medication", the word "regime" was substituted for the phrase "compliance history" and the "s" on "medications" was deleted.



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**Section 115.230(e)(4)(C)** - The prefix "psycho-" was added before the word "social".

**Section 115.230(e)(4)(E)** - The phrase "/or" was added after the word "and".

**Section 115.230(e)(4)(F)** - The phrase "both a" before the word "mental" and the phrase after the word "illness" was added.

**Section 115.230(g)** - The word "and" was substituted for the word "or" before the word "guardian" in the second line.

**Section 115.230(h)** - Added, causing relabeling of the following subsections.

**Section 115.230(k) (reabeled)** - The word "and" was substituted for the word "or"; the word "offered" was substituted "given".

**Section 115.240** - The phrases "/or" and "by staff or consultants of the licensed agency" were added.

**Section 115.240(h)** - The last sentence was deleted.

**Section 115.240(i)** - Added, causing relabeling of the following subsections.

**Section 115.250(c)** - A comma and the phrase following the word "Commission" in the third line was added; the word "individual's" was corrected to read "individuals"; the phrase beginning with the words "these groups" at the end of the last sentence was substituted for the words "the Commission".

**Section 115.250(f) (reabeled)** - The phrase "of the agency and other service providers" and the last sentence were added.

**Section 115.300(a)** - The word "those" before the word "individuals" was deleted and the phrase "choose to" was added in the first line.

**Section 115.300(b)** - The phrase "(f) or individuals who choose to reside in" was substituted for the word "(a)(1)" before the word "living" in the first line; the phrase "in living" was added before the word "arrangements" in the second line. In that same line, the phrase "where the" was substituted for the phrase "occupied by". In the third line, the word "receive" was substituted for the word "receiving". In the fourth line, the phrase "the licensed agency" was substituted for the phrase "through a CILA".

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**Section 115.300(c)** - The initial word "(t)hese" was deleted; the phrase "specified in subsection (b) above" was added after the word "arrangements".

**Section 115.300(c)(4)(B)** - The phrase "accessibility and" was deleted after the word "facilitate".

**Section 115.300(c)(5)(F)** - The initial phrase before the word "(t)raffic" was added.

**Section 115.300(c)(6)(B)** - The word "vermin" was substituted for the phrase "insects and rodents".

**Section 115.300(c)(6)(E)** - The word "when" was added before the word "performed".

**Section 115.300(c)(7)(E)** - The phrase "are trained in" was substituted for the word "knew".

**Section 115.300(c)(8)(A)** - The phrase "but no less than annually" was added to the end of the sentence.

**Section 115.300(c)(8)(B)** - Deleted, causing relabeling of all following subsections.

**Section 115.300(c)(10)** - The phrase "by the agency" was added to the end sentence.

**Section 115.320(a)(5)** - Deleted, causing subsection (6) to be relabeled subsection (5).

**Section 115.320(d)(1)** - The word "annually" was added after the word "reviewed". The phrase "as necessary" was added after the word "revised" and the phrase "at least annually" was deleted after the word "board".

**Section 115.320(d)(1)(F)** - The word "and" at the end of the subsection was deleted.

**Section 115.320(d)(1)(G)** - Added, causing subsection (G) to be relabeled subsection (H).

**Section 115.320(d)(3)** - The phrase "with the consent of individuals" was added after the word "permitted" and the words "which are operated as CILA's" at the end of the sentence were deleted.



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**Section 115.320(e)(4)** - The initial word "(p)rofessional" and the phrase "such as psychologist social workers, psychiatrists, nurses special educators, rehabilitation counselors and alcoholism counselors" and the word "by" after the word certified were deleted and the phrase "as required by the laws of" was added.

**Section 115.320(f)** - The first sentence was added.

**Section 115.320(f)(2)** - Deleted, causing all following subsections to be relabeled.

**Section 115.320(f)(2)(relabeled)** - The subsection reference was changed to read "subsections (1)"; the phrase, "may be involved with individuals but" after the word "staff" in the second line and the colon after the word "assignment" were added. The end phrase beginning with the words "to specific" was deleted.

**Section 115.320(f)(3)(relabeled)** - The subsection references were changed to read "subsection (1) and (2)"; the word "service" was substituted for the word "care" after the word "direct" in the second sentence and the phrase "community integration" after the word "promotes" in the next to the last line was added.

**Section 115.320(f)(5)(relabeled)** - The word "or" after the word "pass" was deleted; a comma after the word "pass" and the word "proficiency" after the word "fail" were added.

**Section 115.320(f)(7)** - Relabeled as "(g) (v)olunteer training", causing relabeling of the following subsections; references to the subsections were changed to read "subsections (f)(1)(A), (f)(1)(C), (f)(1)(D) and (f)(1)(E) above, and may include subsection (f)(1)(B)".

**Section 115.320(h)(3)(relabeled)** - Deleted, causing relabeling of the following subsections.

**Section 115.320(h)(2)(A) and (B)(relabeled)** - Added.

**Section 115.320(h)(3)(A)(relabeled)** - The phrase beginning with the words "and implementation as" at the end of this subsection was added. The word "and" before the word "service" was deleted.

**Section 115.320(i)(2)(relabeled)** - The words "of occurrence" were added to the first line.

**Section 115.320(i)(3)(relabeled)** - In the first sentence the words "ensure that" were substituted for the word "report" and the words "are reported" were added after the phrase "by the Department".

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**Section 115.320(j)(3)(relabeled)** - The phrase "in the individual's record" was added.

**Section 115.320(j)(3)(D)(relabeled)** - The phrase "reactions and side effects to medications" after the phrase "(p)rescribed medications" and the word "other" after the word "foods" were added; the word "other" before the word "substances" was deleted.

**Section 115.320(j)(4)(C)(relabeled)** - The two phrases "individual integrated" before the two phrases "services plan" and the end phrase beginning with the words "as described" were added.

**Section 115.320(j)(4)(D)(relabeled)** - The phrase "special procedures" after the words "to use" and the phrase "their use" at the end of this subsection were added; the phrase "special procedures such as time out, restraint and aversive procedures" was deleted.

**Section 115.410(a)** - The initial phrase beginning with the words "(u)pon receipt" and ending with the words "this Part" and the phrase beginning with the words "which will" and ending with the words "shall include" after the words "a license" were added. The phrase "after receipt of a completed application, including before the word "signature" was deleted.

**Section 115.410(b)** - The word "surveys" was substituted for the words "site visits" after the word "conduct" in the first sentence. In the second sentence the word "review" was substituted for the word "inspect" before the words "the records".

**Section 115.410(b)(1)** - In the first line, the words "scheduled surveys" were substituted for the words "site visits" after the word "conduct". The phrase beginning with the words "and shall conduct" was added to the end of the subsection.

**Section 115.440(b)** - The initial phrase "(c)hange in ownership or" was deleted.

**Section 115.450(c)** - The phrase "of the CILA" after the word "cessation" was deleted.

**Section 115.450(e)** - The words "Department and" before the word "agency" in the first line, the phrase "the care of" after the words "responsible for" and the phrase "prior to and following" after the word "individuals" were deleted. The phrase "services to" before the word "individuals", the word "until" before the word "cessation" and the end phrase beginning with the word "occurs" were added.



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**Section 115.460(a)(3)** - The words "correct deficiencies" were substituted for the phrase "submit a plan of correction acceptable to the Department for any violations" in the first and second lines. In the third and fourth lines, the phrase "or fails to submit a plan of correction" was added.

**Section 115.460(c)** - In the second line, the phrase "other than those identified in Section 115.300(a)" and in the third line, the phrase "is so serious that it" were added.

**The Department made the following technical changes:**

**Section 115.120** - The citations in the definitions of "(a)abuse" and "(n)eglect" were changed to cite P.A. 86-1013 which added these definitions to the Code, effective January 3, 1990. (Ill. Rev. Stat. 1989, ch. 91½, pars. 1-101.1 and 1-117.1)

A period was added following the definition of "Act".

A quotation mark was added at the beginning of the definition of "(e)ntitlements".

The definition of "(h)abilitation" was put in bold face type to indicate statutory language.

In the fifth line of the definition of "(i)ntermittent supervision or support" the word "and" was added after the word "availability".

The punctuation in the definition of "(m)ental disability" or "mental disabled" for consistency.

In the next to the last line in the last subsection of the definition of "(q)ualified mental health professional", the word "a" was corrected to read "at".

The definition of "(s)kills' training" was corrected to read "skills training".

**Section 115.220(b)(3)** - The word "and" was deleted after the word "needs".

**Section 115.220(b)(4)** - The word "and" was added.

**Section 115.250(c)(4)** - An "s" was added to the words "individual" and "guardian" and was deleted from the word "understand"; "they" was substituted for the phrase "he/she".

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**Section 115.320(c)** - The margin was corrected.

**Section 115.320(f)** - The semicolon at the end of the subsection was changed to a period.

**Section 115.320(i)(3)(relabeled)** - The reference to the Office of the Inspector General was deleted to reflect language in P.A. 86-1013. (Ill. Rev. Stat. 1989, ch. 111½, par. 4161 et seq.).

**Section 115.420(a)(1)** - The address was changed.

**Section 115.420(b)** - The word "shall" was substituted for the word "may".

All references to "Ill. Rev. Stat. 1987" and "Ill. Rev. Stat. 1988 Supp." have been changed to read "Ill. Rev. Stat. 1989" throughout the rulemaking.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) **Summary and Purpose of Rule:** The essential element in the community integrated living arrangement program is assuring that individuals with a disability are offered the opportunity to acquire skills and receive other assistance necessary to enable them to live in homes in the community. Specific services will vary according to the person's disability, individual skill levels, other supports available and personal desires. The services to be delivered must contribute to the person's current or future capacity for independence, integration into the community and productivity.

The individual and/or guardian actively participates in choosing a home from among those living environments available to the general public including housing owned or leased by an agency. If overtime, less intensive services are needed, the service array shall be changed rather than requiring the individual to move to a different setting. These programs are designed for both mentally ill and developmentally disabled individuals.

16) Information and questions regarding this adopted rule shall be directed to:



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Name: Glenn Grzonka  
Address: Certification & Licensure  
4201 North Oak Park Avenue  
Chicago, IL 60634  
Telephone: (312)794-4128

The full text of the Adopted Rules begins on the next page:

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TITLE 59: MENTAL HEALTH  
CHAPTER I: DEPARTMENT OF MENTAL HEALTH  
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PART 115  
STANDARDS AND LICENSURE REQUIREMENTS FOR  
COMMUNITY-INTEGRATED LIVING ARRANGEMENTS

SUBPART A: GENERAL PROVISIONS

|         |                            |
|---------|----------------------------|
| Section | Purpose                    |
| 115.100 | Incorporation by reference |
| 115.110 | Definitions                |
| 115.120 |                            |

SUBPART B: SERVICE REQUIREMENTS

|         |   |
|---------|---|
| 115.200 | Description                               |
| 115.210 | Criteria for participation of individuals |
| 115.215 | Criteria for termination of individuals   |
| 115.220 | Community support team                    |
| 115.230 | Interdisciplinary process                 |
| 115.240 | Medical services and medications          |
| 115.250 | Individual rights and confidentiality     |

SUBPART C: GENERAL AGENCY REQUIREMENTS

|         |   |
|---------|---|
| 115.300 | Environmental management of living arrangements                 |
| 115.310 | Geographic location of community-integrated living arrangements |
| 115.320 | Administrative requirements                                     |

SUBPART D: LICENSURE REQUIREMENTS

|         |   |
|---------|---|
| 115.400 | Applicability                             |
| 115.410 | Issuing a license and period of licensure |
| 115.420 | License application                       |
| 115.430 | Application acceptance and verification   |
| 115.440 | Non-transferability of license            |
| 115.450 | Cessation of operations                   |
| 115.460 | License revocation                        |
| 115.470 | Hearings                                  |



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115. Appendix A Specific Level of Functioning Assessment and Physical Health Inventory

**AUTHORITY:** Implementing the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1989, ch. 91½, par. 1701 et seq.) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91½, par. 5-104) and Section 5 of "AN ACT codifying the powers and duties of the Department of Mental Health and Developmental Disabilities" (Ill. Rev. Stat. 1989, ch. 91½, par. 100-5).

**SOURCE:** Adopted at 14 Ill. Reg. 10865, effective July 1, 1990.

**NOTE:** Bold-face type denotes statutory language.

## SUBPART A: GENERAL PROVISIONS

## Section 115.100 Purpose

- a) The purpose of the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1989, ch. 91½, par. 1701 et seq.) is to promote voluntary licensure of agencies to certify living arrangements integrated in the community in which individuals with a mental disability are supervised and provided with an array of needed services.
- b) The objective of a community-integrated living arrangement is to promote independence in daily living and economic self-sufficiency of individuals with a mental disability.
- c) Agencies planning to develop and support community-integrated living arrangements shall do so pursuant to Department licensure in accordance with this Part.

## Section 115.110 Incorporation by reference

Any rules of an agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

## Section 115.120 Definitions

For the purpose of this Part, the following terms are defined:

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**"Abuse." Any physical injury, sexual abuse or mental injury inflicted on an individual other than by accidental means.** (Section 1-101.1 of the Code).

Physical injury includes all injuries serious enough to require immediate medical treatment by a physician, such as fractures and lacerations which require suturing and all other injuries which because of the circumstances or nature of the injury indicate possible abuse or neglect;

Sexual abuse includes but is not limited to any sexual penetration or sexual conduct between an individual and another person if the individual has been adjudicated legally disabled, or has a guardian, or is unable to understand the nature of the act or is unable to give knowing consent, or is injured, or alleges that there is, or there is evidence of use of force, coercion, or the exchange of money or anything of value; and

Mental injury includes use of words, signs, gestures or other actions by anyone against an individual which intimidates, demeans, harasses, causes emotional anguish or distress, ridicules, threatens, harms or will knowingly incite or precipitate maladaptive behavior on the part of an individual. Mental injury also includes exploitation, which is any act that uses individuals, their resources or their possessions for an agency employee's personal gain or for an agency's benefit.

**"Act." The Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1989, ch. 91½, par. 801 et seq.).**

**"Agency." A community mental health or developmental services organization licensed by the Department which is a sole proprietorship, association, partnership, corporation or organization, public or private, either for profit or not for profit, which certifies community-integrated living arrangements for individuals with a mental disability.** (Section 3(b) of the Community-Integrated Living Arrangements Licensure and Certification Act).

**"Agency supervision." Either continuous supervision or support or intermittent supervision or support as defined in this Section.**



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"Array of services." A range of activities and interventions designed to provide treatment, habilitation, training, rehabilitation and other community integrative supports.

"Authorized agency representative." The administrative head of an agency appointed by the agency's governing body with overall responsibility for fiscal and programmatic management.

"Aversive procedures." The application, contingent on the exhibition of a specific behavior that is not adaptive, of unpleasant or painful stimuli, or stimuli that have a potentially noxious affect.

"Bureau." The Department's Bureau of Certification and Licensure.

"Certification." An affirmation by an agency that programs operated under this Part meet the Part's standards and provide services to promote community-integrated living.

"Code." The Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91, par. 1-100 et seq.).

"Community-integrated living arrangement (CILA)." A living arrangement certified by an agency where eight or fewer individuals with a mental disability reside under the supervision of the agency and are provided with an array of services. (Section 3(d) of the Community-Integrated Living Arrangements Licensure and Certification Act).

"Community integration" or "integration into the community." On-going participation in community life including at least the following:

The amount of time spent out of the living arrangement in generic (non-disability) related activities such as church, Y.M.C.A., Y.W.C.A., education, library, clubs, shopping and amusements.

Participation in family activities and celebrations such as holidays, birthdays, reunions, communication (telephone and mail) and vacations.

"Community support team (CST)." Staff responsible for providing and arranging for the provision of services specified in the individual integrated services plan for individuals in a community-

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integrated living arrangement. The team shall be composed of at least one qualified mental health professional or qualified mental retardation professional as defined in this Section, and other mental health and developmental disabilities staff who shall provide community support services in the individual's home or in other community locations where learning, working or socialization occur.

"Consumer representatives." Persons representing the interests of individuals served by an agency such as family members and advocates.

"Continuous supervision or support." Direction or assistance provided to an individual under the auspices of the licensed agency on-site all the hours individuals are present.

"Day." A calendar day, unless otherwise indicated.

"Developmental disability." A disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in an impairment similar to that caused by mental retardation and which requires services similar to those required by mentally retarded individuals. Such disability must originate before the age of 18, be expected to continue indefinitely, and constitute a substantial handicap. (Section 1-106 of the Code).

"Department." The Department of Mental Health and Developmental Disabilities.

"Diagnosis." A category of disability stated in accordance with either the Classification in Mental Retardation (American Association on Mental Retardation, 1983 edition), or the Diagnostic and Statistical Manual of Mental Disorders, Third Edition, revised (DSM-III-R, American Psychiatric Association, 1987 edition).

"Director." The Director of the Department of Mental Health and Developmental Disabilities.

"Economic self-sufficiency." The managing of financial resources which are needed to satisfy the daily needs of an individual including at least involvement in commerce, such as managing money, comparative shopping, selecting clothes, informed selection of foods, diet and purchasing and negotiating.



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"Entitlements." Government-related financial benefits available to individuals who qualify on the basis of need, disability and/or income, such as Title XVIII (Medicare) (42 U.S.C.A. 1395b-1 et seq., 1981), Title XIX (Medicaid) (42 U.S.C.A. 1396a et seq., 1983) and Veteran's Administration benefits (38 U.S.C.A., 521, 541, 542, 1979).

"Equivalency." Evidence to substantiate compliance with requirements of this Part by other means than indicated in this Part.

"Family." The spouse and children and the mother, father, sister and brother of an individual.

"Governing body." The policy-making authority of an agency that establishes policies concerning the agency's operation and the welfare of individuals; provides for the agency's administration by appointing an authorized agency representative to implement its policies; and exercises general oversight of the agency's operation, its fiscal affairs and programmatic content to implement the organization's mission.

"Guardian." The plenary or limited guardian or conservator of the individual appointed by the court for an individual over age 18 so long as the limited guardian's duties encompass concerns related to service requirements, or the natural or adoptive parent of a minor or a person acting as a parent of a minor.

"Habituation." An effort directed toward the alleviation of a developmental disability or toward increasing the level of physical, mental, social or economic functioning of an individual with a developmental disability. Habituation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangement, training, education, employment related services, protective services, counseling and other services provided to individuals with a developmental disability by developmental disabilities programs. (Section 1-111 of the Code).

"Imminent risk." A situation in which individuals being supervised by an agency are or may be subject to illness, mental or physical injury and which is not immediately correctable such as environmental or safety hazards.

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"Independence in daily living." Demonstrated ability of an individual to provide for his/her own basic care without outside assistance including at least the following:

Vocational development outside the living arrangement which enables individuals to participate in the workforce such as using on-the-job skills, riding a bus and crossing streets.

Participation in citizenship activities such as awareness of community norms, voting and volunteering in community projects.

"Individual" or "individuals." A person or persons who receives or receive community-integrated living arrangement services.

"Individual integrated services plan" or "services plan." A written plan which includes an assessment of the individual's strengths and needs, a description of the array of services needed regardless of availability, objectives for each service, the role of the individual or guardian, significant others and family in the implementation of the plan when indicated, an anticipated timetable for the accomplishment of objectives, and the name of the person or persons responsible for the implementation of the plan.

"Individual record." Materials kept by an agency in the course of providing services to a mentally disabled individual who is receiving services in a community-integrated living arrangement concerning the individual and the services provided.

"Informed consent." Permission freely granted by the individual or guardian based on full disclosure to the individual or guardian of the benefits and/or liabilities of participation in specific procedures and/or services, including releases of information, as part of the individual's services plan.

"Interdisciplinary process." A set of steps or systems initiated to assess a mentally disabled individual's strengths and needs with input from individuals requesting and/or receiving services and from the disciplines providing or targeted to provide services in order to collaboratively develop and implement an individual integrated services plan, and to review and/or update the plan. Persons participating in the process shall include, at a minimum, the individual and his or her legal guardian, the individual's family, unless a legally competent individual chooses not to have the family involved or the family refuses to be involved, a



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qualified mental retardation professional or qualified mental health professional and other members of the community support team.

"Intermittent supervision or support." Direction or assistance provided to an individual under the auspices of a licensed agency less than 24-hours per day. When staff are not on-site, supervision shall be provided by means of 24-hour on-call availability and by a variety of alternatives or supports, such as non-disabled roommates, paid neighbors, non-paid family members and other formal or informal arrangements.

"Linkage." Person-to-person contact to assure that the supports and services needed by the individual and specified in the individual integrated services plan are obtained. The qualified mental retardation professional, qualified mental health professional or mental health professional under the supervision of the qualified mental health professional shall be responsible for assuring linkage.

"Living arrangement." An apartment, private home, multi-unit dwelling or where an individual has chosen to live or where the individual's guardian has chosen for him or her to live.

"Mental disability" or "mentally disabled." A developmental disability, a mental illness, or both.

"Mental health professional (MHP)." A mental health professional who provides services under the supervision of a qualified mental health professional(s), as defined below, in providing services specified in Subpart B to an individual and his or her family, as necessary. The mental health professional must possess a bachelor's degree in social work, sociology, psychology, counseling, rehabilitation, or art and recreation therapy or possess a practical nurse license pursuant to The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.) or have a minimum of five years of supervised experience in a mental health service.

"Mental illness." A condition that is characterized by the presence of a major mental disorder as classified in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition, revised (DSM-III-R, American Psychiatric Association, 1987 edition), excluding alcohol and substance abuse, Alzheimer's disease, and other forms of dementia based on organic or physical disorders and

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where the individual is assessed using form DMHDD-1215, "Specific Level of Functioning Assessment and Physical Health Inventory," (SLOF) to be substantially disabled due to mental illness in the areas of self-maintenance, social functioning, activities of community living and work skills, and the disability specified is expected to be present for a period of not less than one year.

"Mental retardation." Significant subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years. (Section 1-116 of the Code).

"Moral turpitude." Moral quality of being inherently base, depraved, vile or wicked.

"Natural environment." Locations and settings where an individual lives, works and socializes and carries out activities of daily living.

"Neglect." Failure to provide adequate medical or personal care or maintenance which failure results in physical or mental injury (as clarified in the definition of "Abuse" in this Section) to an individual or in the deterioration of an individual's physical or mental condition. (Section 1-117.1 of the Code).

"Notice of violation." A report submitted to an agency by the Department's Bureau of Certification and Licensure listing the agency's deficiencies with this Part noted during a survey.

"Plan of correction." A written plan submitted by an agency to the Department's Bureau of Certification and Licensure, in response to a notice of violation, which describes the steps the agency will take in order to bring a program or services into compliance, and the time-frames for completion of each step.

"Progress notes." Narrative documentation in an individual's record of service provision and its relationship to the individual integrated services plan.

"Psychotropics." Drugs used for antipsychotic, antidepressant, anitmanic and/or antianxiety purposes as listed in the AMA Drug Evaluations (American Medical Association, 1989 edition) or the Physician's Desk Reference (PDR) (Medical Economic Company, 1989, published annually).



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"Qualified mental health professional (QMHP)." A certified, registered or licensed mental health professional who provides services in a community-integrated living arrangement. A QMHP must meet one of the following criteria and in addition, all qualified mental health professionals must have a minimum of one year of work experience in a mental health setting.

A psychologist registered pursuant to the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989, ch. 111, par. 5351 et seq.);

A social worker licensed pursuant to The Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 6351 et seq.);

A registered nurse licensed pursuant to The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.);

An occupational therapist registered pursuant to the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 3701 et seq.);

A doctor of medicine or osteopathy licensed pursuant to the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.);

Staff who hold a master's degree or higher in psychology, sociology or counseling and who are certified or registered by the Commission for Rehabilitation Counselor Certification, the National Board of Certified Counselors, or the National Academy of Clinical Mental Health Counselors or a national or state certification board or commission, which credentials practitioners on the basis of education and training, work experience and examination; and

Staff who, by January 30, 1990, hold a master's degree or higher in psychology, sociology or counseling, and have at least five years of experience in a mental health setting.

"Qualified mental retardation professional (QMRP)." A QMRP must:

Have at least one year of experience working directly with individuals with mental retardation or other developmental disabilities and be one of the following:

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A doctor of medicine or osteopathy licensed pursuant to the Medical Practice Act of 1987;

A registered nurse licensed pursuant to The Illinois Nursing Act of 1987;

An occupational therapist or occupational therapist assistant certified by the American Occupational Therapy Association or other comparable body (Illinois Occupational Therapy Practice Act);

A physical therapist certified by the American Physical Therapy Association or other comparable body (Illinois Physical Therapy Act (Ill. Rev. Stat. 1989, ch. 111, par. 4251 et seq.));

A physical therapist assistant registered by the American Physical Therapy Association or a graduate of a two-year college-level program approved by the American Physical Therapy Association or comparable body;

A psychologist with at least a master's degree in psychology from an accredited school (Clinical Psychologist Licensing Act);

A social worker with a bachelor's degree from a college or university or graduate degree from a school of social work accredited or approved by the Council on Social Work Education or another comparable body (The Clinical Social Work and Social Work Practice Act);

A speech-language pathologist or audiologist with a certificate of Clinical Competence in Speech-Language Pathology or Audiology granted by the American Speech Language Hearing Association or comparable body or meet the education requirements for licensure and be in the process of accumulating the supervised experience required for licensure (The Illinois Speech-Language Pathology and Audiology Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 7901 et seq.));

A professional recreation staff person with a bachelor's degree in recreation or in a specialty area such as art, dance, music or physical therapy;



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A professional dietitian registered by the American Dietetics Association;

A human services professional with a bachelor's degree in a human services field, including, but not limited to sociology, special education, rehabilitation counseling and psychology.

"Quality assurance." A systematic and objective approach to monitoring and evaluating the appropriateness, adequacy and quality of services in order to identify and resolve problems.

"Residence." See "living arrangement."

"Seclusion." Sequestration by placement of an individual alone in a room from which he or she has no means of leaving. When an individual is placed in a behavior modification program pursuant to his or her individual integrated services plan, he or she may be removed from a situation that affords positive reinforcement to an area where reinforcement is not available for a reasonable period of time not to exceed 30 minutes and such restrictions shall not constitute seclusion. (Section 1-126 of the Code).

"Self-administration of medications." An individual's ability to correctly take prescribed medications independently or with verbal prompts.

"Skills training." Activities which focus on the development of daily living skills which enable individuals to achieve independent functioning and economic self-sufficiency.

"Substantial compliance." An evaluation result that determines that a surveyed program or service meets the requirements set forth in this Part; or, when deficient, the program has documented a plan of correction to rectify any deficiency, or has an approved equivalency or waiver for it.

"Survey." A process to determine the degree of compliance with this Part which an agency has maintained. This includes surveyor observation and an on-site examination of the following: policies, procedures, records of individuals, written plans, and the physical plant. Interviews of individuals and staff and observation of a sample of CILAs are also a part of the survey.

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"Tardive dyskinesia." An abnormal involuntary movement disorder associated with the long-term use of antipsychotic medications. It may be persistent or transient and is characterized by a variable mixture of facial, ocular, oral, lingual, truncal or limb movements.

"Time-out." Contingent removal from a situation in which reinforcement occurs into a situation from which reinforcement does not occur, for a reasonable period of time not to exceed 30 minutes.

"Treatment." An effort to accomplish an improvement in the mental condition or related behavior of an individual. Treatment includes, but is not limited to, hospitalization, partial hospitalization, outpatient services, examination, diagnosis, evaluation, care, training, psychotherapy, pharmaceuticals and other services provided for individuals by mental health agencies or psychiatric hospitals. (Section 1-128 of the Code).

"Waiver." An action by the Department in which exceptions to this Part are granted on application by an agency for a period not to exceed the duration of the current license.

## SUBPART B: SERVICE REQUIREMENTS

## Section 115.200 Description

- a) A community-integrated living arrangement (CILA) is the supervised supportive services which promote residential stability for an individual who resides in his or her own home or in the natural family home and who is provided with an array of services to meet his or her needs. The individual or guardian actively participates in choosing an array of services and in choosing a home from among those living arrangements available to the general public and/or housing owned or leased by an agency. If, over time, less intensive services are needed, the service array shall be changed rather than requiring the individual to move to a different setting. The individual may remain in his or her own home. Once accepted for service by an agency, termination may only occur by voluntary withdrawal of the individual or resulting from the recommendation of the interdisciplinary process and based on the criteria contained in Section 115.215.

- b) Licensed CILA agencies technically agree to a no-decline option; however, the agency may decline services to an individual because



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it does not have the capacity to accommodate the particular type or level of disability (e.g., an agency that serves only individuals with autism) and cannot, after documented efforts, locate a service provider which has the capacity to accommodate the particular type or level of disability. No otherwise qualified persons shall be denied placement in a CILA solely on the basis of his or her physical disability. The CILA agency or service provider associated with such agency must provide a reasonable accommodation for such persons, unless the accommodation can be documented to cause the agency or other service provider an undue hardship or overly burdensome expense.

- c) Services shall be oriented to the individual and shall be designed to meet the needs of the individual and his or her family. Individuals are recognized as persons with basic human needs, aspirations, desires and feelings and are citizens of a community with all rights, privileges, opportunities and responsibilities accorded other citizens. Only secondarily are they individuals who have a mental disability.
- d) Based on their needs, individuals shall receive supervision and supportive services which may range from continuous to intermittent. CILAs shall be designed to promote independence in daily living, economic self-sufficiency and integration into the community.

**Section 115.210 Criteria for participation of individuals**

- a) The individual served in a CILA shall be at least 18 years of age, have a mental disability and shall be in need of an array of services and a supervised living arrangement. If an agency does not have the capacity to accommodate the particular type or level of disability, this does not render the individual ineligible for CILA services.
- b) The individual or guardian shall give informed consent to participate in a CILA, which shall be documented in the individual's record.
- c) The individual or guardian shall agree to participate in the development and implementation of the individual integrated services plan.

**Section 115.215 Criteria for termination of individuals**

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- a) The interdisciplinary process shall consider recommending termination of an individual only if:

- 1) The medical needs of the individual cannot be met by the CILA program; or
- 2) The behavior of an individual places the individual or others in serious danger; or
- 3) The individual is to be transferred to a program offered by another agency and the transfer has been agreed upon by the individual, the transferring agency and the receiving agency; and
- 4) The termination recommendation has been approved by the Department.

- b) Whenever individuals are required to be absent from a living arrangement for an extended period of time, an agency shall not consider termination unless the absence has been at least 60 days in duration and it is documented that the absence is expected to continue indefinitely. The Department reserves the right to terminate payment within the 60 days during which the individual is absent when it is clear that the individual will be unable to return to the CILA.

**Section 115.220 Community support team**

Agencies licensed to certify CILAs shall provide for services through a community support team (CST).

- a) The CST shall consist of the QMRP or QMHP, as indicated by the individual's primary disability, and staff providing direct services in the natural environment;
- b) The CST shall be the central structure through which CILA services are provided to one or more individuals. The CST shall:
  - 1) Be responsible for all service functions including assessment, planning, coordination and delivery;
  - 2) Provide direct service in the natural environment or in other facilities, such as state-operated facilities, convalescent care facilities, community hospitals or rehabilitation facilities when the facilities permit;



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- 3) Help the individual to participate in the design of an array of community support services tailored to his or her needs;
  - 4) Be responsible for providing or helping individuals to access the services specified in their plans; and
  - 5) Be available to respond to an individual's needs on a 24-hour basis.
- c) The CST shall be directly responsible for:
- 1) Modifying the services plan based on on-going assessment and recommendations;
  - 2) Linking individuals to resources and services;
  - 3) Advocating on behalf of individuals;
  - 4) Providing informational, educational and advocacy services to family members;
  - 5) Assisting individuals to select, obtain, and maintain CILAS which afford safety and basic comforts;
  - 6) Participating with other direct service staff during stays in other environments such as state-operated facilities, convalescent care facilities, community hospitals or rehabilitation facilities; continuing in-facility contact, participating in the services plan development, and the on-going interdisciplinary process; providing on-going services to ensure the maintenance of the individual's living arrangement during these times such as paying the rent and utilities;
  - 7) Developing natural community supports, fostering relationships with non-paid persons in the community, e.g., neighbors, volunteers and landlords;
  - 8) Providing personal support and assistance in gaining access to vocational training, educational services, legal services, employment opportunities, and leisure, recreation, religion and social activities;
  - 9) Providing assistance in obtaining health and dental services, mental health treatment and rehabilitation services

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- (including physical therapy and occupational therapy), and substance abuse services;
- 10) Providing supportive counseling and problem-solving assistance on an on-going basis and at times of crisis;
  - 11) Assisting individuals with activities of daily living through skill training and acquisition of assistive devices;
  - 12) Accessing medication information including observing and reporting effects and side effects of prescribed medications;
  - 13) Accessing and providing training to obtain emergency medical services including state-operated facility services;
  - 14) Providing assistance in money management, including representative payeeship, and applying for financial entitlements including assisting individuals to access Department of Rehabilitation Services home services program (89 Ill. Adm. Code: Chapter IV, Subchapter d); and
  - 15) Assisting individuals to access transportation.
- d) The agency shall provide or arrange for those services not indicated in subsection (c) above, but identified in the individual integrated services plan as needed by the individual. If arranged, such services shall be documented in a written agreement between the licensed agency and the other service providers and shall minimally address training, services to be provided, quality assurance requirements and protection of the individual's rights. The agency shall remain responsible for insuring the quality of services and the protection of the individual's rights.
- e) A CST member who is a QMRP or a QMHP shall be designated for each individual and shall:
- 1) Convene the CST as required by Section 115.230 to revise the services plan as part of the interdisciplinary process;
  - 2) Assure that the services specified in the services plan are being provided;
  - 3) Assure the participation of team members, the individual, the guardian, the family and necessary professionals unless the individual is not legally disabled and does not desire the



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involvement of the family or the family refuses to participate;

- 4) Assure and document in the individual's record, at least quarterly, that the individual's residence meets environmental standards as specified in Subpart C;
  - 5) Identify and address gaps in the service provision;
  - 6) Monitor the individual's status in relation to the services plan;
  - 7) Advocate for the individual's rights and services;
  - 8) Facilitate individual linkage and transfer;
  - 9) Provide for a written record of team meetings;
  - 10) Assure that information specified by the services plan is included in the individual's record;
  - 11) Initiate and coordinate the interdisciplinary process as often as specified in the services plan or when required by problems or changes; and
  - 12) Assure availability of a written services plan to all participants.
- f) A mental health professional may provide all services identified in subsections (e)(1) through (12) except (1), (9), and (11).

Section 115.230 Interdisciplinary process

Agencies licensed to certify CILAs shall comprehensively address the needs of individuals through an interdisciplinary process.

- a) Through the interdisciplinary process, the agency shall be responsible for preparing, revising, documenting and implementing a single individual integrated services plan for each individual.
- b) The following shall be included in the interdisciplinary process:
  - 1) The individual or his or her legal guardian, or both;

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- 2) Members of the individual's family unless the individual is not legally disabled and does not desire the involvement of the family or the family refuses to participate;

- 3) Significant other(s) chosen by the individual;

- 4) The QMRP or the QMHP; and

- 5) Other members of the CST.

- c) As needed to meet the individual's needs, the following shall be included in the interdisciplinary process:

- 1) Persons in addition to the CST who provide habilitation, treatment or training; and

- 2) Professionals who assess the individual's strengths and needs, level of functioning, presenting problem(s) and disability(s), service needs and who assist in the design and evaluation of the individual's services plan.

- d) Upon the individual's entry into a CILA, the QMRP or the QMHP shall:
  - 1) Document in the record those services being provided to the individual until an individual integrated services plan is developed; and

- 2) Explain all rights enumerated in Section 115.250 and document in the individual's record that this has been done.

- e) The agency shall assure that each individual receives an initial assessment and reassessments that shall be documented in the individual's record and the results explained to the individual and guardian.
  - 1) The assessments shall determine the individual's strengths and needs, level of functioning, the presenting problem(s) and disability(s), diagnosis and the services the individual needs.

- 2) Assessments shall be performed by staff trained in the use of the assessment instruments.



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- 3) Through the selection of the assessment instruments and the interpretation of results, all assessments shall be sensitive to the individual's:

- A) Racial, ethnic and cultural background;
- B) Chronological and developmental age;
- C) Visual and auditory impairments;
- D) Language preferences; and
- E) Degree of disability.

- 4) Initial assessment for individuals with a mental disability shall include:

- A) A physical and dental examination, both within the past twelve months, which shall include a medical history;
- B) Previous and current adherence to medication regime and the need for medication training;
- C) A psycho-social assessment including legal status, personal and family history, a history of mental disability and related services, evaluation of possible substance abuse, and resource availability such as income entitlements, health care benefits, subsidized housing and social services;

- D) An assessment with form DMHDD-1215, "Specific Level of Functioning Assessment and Physical Health Inventory," (SLOF) for individuals who are mentally ill (see Section 115. Appendix A) and with the Inventory for Client and Agency Planning (ICAP) (DLM Teaching Resources, One DLM Park, Allen, Texas 75002, 1986) or the Scales of Independent Behavior (SIB) (DLM Teaching Resources, One DLM Park, Allen, Texas 75002, 1985) for individuals who are developmentally disabled;

- E) An educational and/or vocational assessment including level of education or specialized training, previous or current employment, and acquired vocational skills, activities or interests;

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- F) A psychological and/or a psychiatric assessment; both must be conducted for individuals with both a mental illness and a developmental disability;

- G) A communication screening in vision, hearing, speech, language and sign language; and

- H) Others as required by the individual's disability such as physical therapy, occupational therapy and activity therapy.

- 5) Annual reassessments for individuals with a mental disability shall include:

- A) A physical and dental examination including medications;

- B) The SLOF for individuals who are mentally ill or ICAP or SIB for individuals who are developmentally disabled;

- C) An annual psychiatric examination for individuals with mental illness;

- D) Other initially-assessed areas, as necessary.

- f) Within 30 days of an individual's entry into the CILA, a services plan shall be developed that:

- 1) Is based on the assessment results;

- 2) Reflects the individual's or guardian's preference;

- 3) Identifies services and supports to be provided and by whom; and

- 4) States goals and objectives. Objectives shall:

- A) Be measurable;

- B) Have timeframes for completion; and

- C) Have a person assigned responsibility.



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- g) The individual integrated services plan shall identify the CILA chosen with the individual's and guardian's participation and shall indicate the type and the amount of supervision provided to the individual.
- h) The services plan shall address goals of independence in daily living, economic self-sufficiency and community integration.
- i) The services plan shall include the names and titles of all staff and other persons contributing to the plan.
- j) The services plan shall be signed by the QMRP or the QMHP and the individual or guardian.
- k) The individual and guardian shall be offered a copy of the services plan.
- l) The services plan shall become a part of the individual's record.
- m) At least monthly, the QMRP or QMHP shall review the services plan and shall document in the individual's record that:
  - 1) Services are being implemented;
  - 2) Services identified in the services plan continue to meet the individual's needs or require modification or change to better meet the individual's needs; and
  - 3) Actions are recommended when needed.
- n) The CST shall review the services plan as a part of the interdisciplinary process at least annually for individuals with developmental disabilities and semi-annually for individuals with mental illness and shall note progress or regression which might require plan amendment or modification.
- o) All services specified in the services plan, whether provided by staff of the licensed agency, consultants, or sub-contractors shall be provided by or under the supervision of a QMRP or a QMHP, as appropriate, based on the individual's primary disability.

Section 115.240 Medical services and medications

When medical services and/or medications are provided, by staff or consultants of the licensed agency, the licensed agency shall certify that:

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- a) A physician shall be responsible for the medical services provided to, and the medication management of, individuals.
- b) A physician shall prescribe and monitor all prescription medications.
- c) A physician shall perform an examination of the individual prior to the initiation of psychotropic medications.
- d) Screening for and documentation of abnormal involuntary movements, including tardive dyskinesia, in individuals receiving prescribed psychotropics shall be completed at least every six months by personnel trained in performing this type of assessment.
- e) A physician shall review the medications prescribed and shall see the individual at least every six months, and every three months if psychotropic medications have been prescribed. Physician documentation within the individual's record shall include, but is not limited to, the following:
  - 1) Rationale for continuing current medications and/or initiating new medications; and
  - 2) Medication side effects.
- f) A psychiatrist shall either review psychotropic medications or be available for consultation when psychotropic medications have been prescribed.
- g) All medications are labeled.
- h) Individuals who are able to self-medicate as accessed by a physician, shall have access to their medications.
- i) When agencies supervise the self-administration of medications or administer the medications, medications shall be secured from unauthorized access and only a physician, pharmacist, registered or licensed practical nurse or agency personnel authorized to supervise the self-administration of medications shall have access to medications.
- j) A physician shall be available to consult, at least monthly, with the QMRP or QMHP in reference to staff's behavioral or other observations relating to the individual's level, dosage, and types of side effects from any prescribed medications.



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- k) A physician shall make available to service staff, professionals, family and individuals information on expected consequences, potential benefits and side effects of any prescribed medication.

## Section 115.250 Individual rights and confidentiality

To insure that the individuals' rights are protected and that all services provided to individuals comply with the law, agencies licensed to certify CILAs shall ensure that:

- a) The rights of individuals shall be protected in accordance with Chapter 2 of the Code except that the use of seclusion shall not be permitted.
- b) The right of individuals to confidentiality shall be governed by the Act.

- c) Staff shall inform individuals entering a CILA program of the following:

- 1) Their rights in accordance with subsections (a) and (b) above;
- 2) Their right to remain in a CILA unless the individuals voluntarily withdraw or meet the criteria set forth in Section 115.215;
- 3) Their right to contact the Guardianship and Advocacy Commission, Protection and Advocacy, Inc., the agency's human rights committee and the Department. Staff shall offer assistance to individuals in contacting these groups giving each individual the address and telephone number of the Guardianship and Advocacy Commission and Protection and Advocacy, Inc.;
- 4) This information shall be given to the individuals or guardians in a language which they understand.
- d) Staff advisement of the individual's rights and justification for any restriction of individual rights shall be documented in the individual's record.
- e) Every individual in a CILA shall be free from abuse and neglect.

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- f) Individuals or guardians shall be permitted to present grievances and to appeal adverse decisions of the agency and other service providers up to and including the authorized agency representative. The agency representative's decision on the grievance shall constitute a final administrative decision and shall be subject to review in accordance with the Administrative Review Law (Ill. Rev. Stat. 1989, ch. 110, par. 3-101 et seq.).
- g) Individuals or guardians shall be permitted to purchase and use the services of private physicians and other mental health and developmental disabilities professionals of their choice, which shall be documented in the services plan.
- h) Individuals shall not be denied, suspended or terminated from services or have services reduced for exercising any of their rights.

## SUBPART C: GENERAL AGENCY REQUIREMENTS

## Section 115.300 Environmental management of living arrangements

- a) For individuals who choose to reside with their families or in living arrangements owned or leased by the individuals living there, the licensed agency shall assist individuals in selecting, obtaining and maintaining CILAs which afford safety and basic comfort. Such assistance shall include, but is not limited to:

- 1) Performing visual inspections;
- 2) Purchasing safety devices, i.e., smoke detectors, door locks, when needed; and
- 3) Advocacy with the landlord to encourage compliance with applicable codes.

- b) For individuals who choose to reside in living arrangements owned or leased by an agency or in living arrangements where the individuals receive both room and board and continuous supervision, the licensed agency shall insure that buildings containing owned or leased living arrangements shall comply with locally adopted building codes as enforced by local authorities and the NFPA 101, Life Safety Code (National Fire Protection Association, 1988), as applicable. Non-compliance may be shown by evidence of administrative or judicial action taken against the owner(s) of a building for violation(s) of the applicable housing code within the previous two months.



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- c) Living arrangements specified in subsection (b) above shall also meet the following additional standards:
- 1) Each living arrangement shall have a smoke detection system which complies with The Smoke Detector Act (Ill. Rev. Stat. 1989, ch. 127½, par. 801 et seq.).
  - 2) No more than eight individuals shall be served in any living arrangement.
  - 3) There shall be documentation that living arrangements are annually inspected to insure safety, basic comfort and compliance with this Part.
  - 4) Bath and toilet rooms
    - A) At least one bathroom shall be provided for each four individuals. A bathroom shall include a toilet, lavatory, and tub or shower.
    - B) Bathrooms shall be located and equipped to facilitate independence. When needed by the individual, special assistance or devices shall be provided.
    - C) Bathing and toilet facilities shall provide privacy.
  - 5) Bedrooms
    - A) Each single individual bedroom shall have at least 75 square feet of net floor area, not including space for closets, wardrobes, bathrooms and clearly definable entryway areas.
    - B) Each multiple bedroom shall accommodate no more than two individuals and each bedroom for two individuals shall have at least 55 square feet of net floor area per individual not including space for closets, wardrobes, bathrooms and clearly definable entryway areas.
    - C) Storage space for clothing and other personal belongings shall be provided for each individual.
    - D) Each bedroom shall have:

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- i) Walls that extend from floor to ceiling;
  - ii) A fire-graded mattress and box spring that is suitable to the size of the individual which provides support and comfort, if beds are provided by the agency.
  - iii) At least one outside window; and
  - iv) Electrical light sufficient for reading (a minimum of 40 footcandles).
- E) Bedrooms shall maintain a dry and comfortable environment.
- F) In living arrangements where more than one individual resides, traffic to and from any room shall not be through an individual's bedroom.
- 6) The agency shall ensure that:
- A) Living arrangements shall be safe and clean within common areas and within apartments over which the agency has control.
  - B) Living arrangements shall be free from vermin.
  - C) Waste and garbage shall be stored, transferred and disposed of in a manner that does not permit the transmission of diseases.
  - D) Private water systems shall comply with 77 Ill. Adm. Code 900 (Drinking Water Systems Code), and
  - E) Copies of inspections when performed by local and state inspectors in regard to health, sanitation and environment shall be maintained.
- 7) The agency shall develop, implement and maintain a disaster preparedness plan which shall be reviewed annually, revised as necessary, and ensure that:
- A) Records and reports of fire and disaster training are maintained;



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- B) A record of actions taken to correct noted deficiencies in disaster drills or inspections is maintained;
- C) Staff know how to react to fire, severe weather, missing persons, psychiatric and medical emergencies, poison control and deaths;
- D) Individuals know how to react to situations identified in subsection (C) above or are receiving training;
- E) Staff and individuals are trained in the location of fire-fighting equipment, first aid kits, evacuation routes and procedures; and
- F) A telephone is available with a list stating the telephone numbers of the nearest poison control center, the police, the fire department and emergency medical personnel.
- 8) The agency shall implement procedures for evacuation which ensure that:
- A) Evacuation drills are conducted at a frequency determined by the agency to be appropriate based on the needs and abilities of individuals served by the particular living arrangement but no less than annually.
- B) Special provisions shall be made for those individuals who cannot evacuate the building without assistance, including those with physical disabilities and individuals who are deaf and/or blind.
- C) All personnel are trained to carry out their assigned evacuation tasks.
- D) Inefficiency or problems identified during an evacuation drill shall result in specific corrective action.
- E) Evacuation drills shall include actual evacuation of individuals to safe areas.
- 9) At least one approved fire extinguisher shall be available in the residence, inspected annually and recharged when necessary.

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- 10) First aid kits shall be available and monitored quarterly by the agency.
- Section 115.310 Geographic location of community-integrated living arrangements
- a) CILAs shall be located to enable individuals to participate in and be integrated into their community or neighborhood. Homes shall be typical of homes in the community or neighborhood.
- b) CILAs shall be located to promote integration of individuals with mental disabilities within the range of communities throughout the State, and to avoid concentrating individuals in CILAs in a neighborhood or community.
- c) In counties with less than 500,000 population, CILAs owned or leased by an agency shall not be located within a distance of 1,320 feet, measured in any direction, from any CILA, unless local zoning regulations allow CILAs to be located closer together. In counties with populations over 500,000 a building with any CILAs owned or leased by an agency shall not be located within 600 feet, measured in any direction, from any building with any CILA owned or leased by an agency in those neighborhoods where 50% or more of the housing is multi-unit dwellings. No more than 8 individuals shall reside in CILAs owned or leased by an agency in each building. In all other neighborhoods in those counties, CILAs owned or leased by an agency shall not be located within a distance of 1,320 feet, measured in any direction, from any CILA.
- d) Each agency shall define in writing the process it uses to obtain community acceptance of CILAs.
- e) Each agency shall establish procedures for assuring compliance with the above criteria, which may include review and comment by representatives of local governmental units, community mental health and developmental disabilities planning and service agencies, and other interested civic organizations, regarding the impact on their community areas of any living arrangements to be certified by such agency.
- f) Nothing in this Part shall be construed to interfere with the right of mentally disabled individuals to choose where they rent or buy housing.
- Section 115.320 Administrative requirements



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## a) Governing body

- 1) Each agency which is owned or operated by any corporation, association, or unit of local government shall have a governing body in which is vested authority and responsibility for the organization, management, control, and operation of the agency and all programs, services, facilities and residences it administers.
- 2) The names and addresses of all owners or controlling parties of the agency (whether they are single persons, partnerships, corporate bodies, or subdivisions of other bodies, such as public agencies or religious, fraternal or other charitable organizations) shall be fully disclosed and provided to the Department annually. For corporations, the names and addresses of all officers, directors, and stockholders, either beneficial or of record, shall be disclosed.
- 3) The governing body shall establish bylaws, rules and regulations subject to examination during the licensure processes which shall:
  - A) Describe the method of selecting members, and the conditions which describe tenure and rotation of members;
  - B) Specify the conditions under which a conflict of interest may exist for members and establish policies and procedures to address such situations; and
  - C) Specify that the governing body shall meet at least quarterly and document in minutes of its meetings who is in attendance, issues presented and actions taken, including a review of the reports of licensure surveys.
- 4) The governing body shall include persons who have no ownership interest and receive no income from the agency and who reside in the geographic area served by the agency and include representatives of the community, consumers and consumer representatives.
- 5) The governing body shall be notified of the annual survey by the Department and other inspections which indicate the outcome and disposition of any findings resulting from a survey.

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## b) Advisory board

- 1) Each agency which is owned or operated by a sole proprietor or partnership shall appoint and maintain an advisory board whose members shall be persons who have no ownership interest and receive no income from the agency and who reside in the geographic area served by the agency and include representatives of the community, consumers and consumer representatives.
- 2) The advisory board shall ensure that each agency which is owned or operated by a sole proprietor or partnership shall have a charter, mission statement and goals and objectives.
- c) Authorized agency representative  
The agency shall appoint an authorized agency representative whose qualifications and duties are defined in writing and which include authority for administration and management, and whose performance shall be reviewed and documented annually.
- d) Agency policy requirements
  - 1) The agency shall have written policies which shall be reviewed annually and revised as necessary by the governing body or advisory board and shall describe:
    - A) Goals and objectives reflecting annual and long-range plans;
    - B) The services provided in response to individual and community needs;
    - C) The population served, including age groups, disability and geographic service area;
    - D) The hours and days of operation;
    - E) The methods used to carry out initial screening and assessment of individuals;
    - F) A description of processes used for development of the individual integrated services plan;



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- G) The use of and approval for special procedures such as time out, restraint and aversive techniques; and
- H) Procedures for handling emergencies and disasters.
- 2) Agency policy shall ensure the availability of professional, administrative and support staff to assess and address the needs of individuals. This includes personnel and consultants who can communicate, either verbally or non-verbally, with individuals.
- 3) Agency policy shall ensure that Department-authorized consumer interest groups shall be permitted, with the consent of individuals, to visit agencies and living arrangements owned or leased by an agency.
- e) Personnel requirements
- 1) Agencies shall not discriminate in the hiring or employment of staff on the basis of race, color, age, national origin, sex, religion, or handicap.
- 2) Personnel policies and procedures shall be set forth in writing and shall be available for review.
- 3) The agency shall have written job descriptions or contractual agreements for every position, including consultant and direct-service volunteer positions, which list the job title, duties and responsibilities, minimum experience and educational requirements, immediate supervisor and subordinates.
- 4) Mental health and developmental disabilities staff shall be licensed, registered or certified as required by the laws of the State.
- 5) When paraprofessional or untrained staff are used in direct services, they shall be supervised in provision of services by professional staff.
- 6) A pay plan including the salary range for all position titles in use shall be available.
- f) Staff training

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- 1) Direct service staff shall receive 40 hours of training prior to direct involvement with individuals. Training for direct-service staff shall include but not be limited to, the following areas:
- A) Cardiopulmonary resuscitation (CPR), Heimlich maneuver and first aid;
- B) Concepts of treatment, habilitation and rehabilitation including behavior management, normalization, age appropriateness and psycho-social rehabilitation depending on the needs of the individuals served or to be served;
- C) Safety, fire, and disaster procedures;
- D) Abuse, neglect and unusual incident prevention, handling and reporting;
- E) Individual rights in accordance with Chapter 2 of the Code and maintaining confidentiality in accordance with the Act;
- F) The nature and structure of the individual integrated services plan;
- G) The type, dosage, characteristics and side effects of medications prescribed for individuals; and
- H) Screening for involuntary muscular movement, which may be indicative of tardive dyskinesia.
- 2) Following completion of training requirements in subsection (1) above, direct-service staff may be involved with individuals but shall be provided training in the following areas of not less than 40 hours, to be completed within six months of assignment:
- A) Development and implementation of an individual integrated services plan;
- B) Formal assessment instruments used and their role in the development of the services plan;



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- C) Documentation and record keeping requirements with reference to the services plan; and
- D) Other training which relates specifically to the type of disability or treatment and intervention techniques being used specific to individuals living in CILAs geared toward assisting staff execute objectives contained in services plans.
- 3) Upon completion of training specified in subsections (1) and (2) above, each direct service staff member shall participate in not less than 40 hours of training per year designed to enhance his or her ability to deliver services to individuals which promotes community integration, independence in daily living and economic self-sufficiency.
- 4) All training shall be documented in each employee's personnel record and shall be readily available for review by Department surveyors;
- 5) The agency shall implement a written training plan which describes each formal course offered to meet the requirements of this Part, the methods used to provide training, and to determine pass, fail, proficiency and/or completion of any required training.

**g) Volunteer training**

The agency shall provide a training program for volunteers prior to their working with individuals. For volunteers working directly with individuals, training shall include subsections (f)(1)(A), (f)(1)(C), (f)(1)(D) and (f)(1)(E) above, and may include subsection (f)(1)(B) as required by the agency.

**h) Quality assurance**

- 1) There shall be a written quality assurance plan and ongoing activities designed to review and evaluate services to individuals, operation of programs and to resolve identified problems.
- 2) The agency's quality assurance program shall be the basis for annually certifying to the Department that individuals are receiving appropriate community-based services consistent with their services plans, that all programs and services are supervised by the agency and comply with this Part.

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- A) If a certified CILA does not continue to meet standards, the agency shall correct deficiencies within 30 days; or
- B) If deficiencies in a certified CILA cannot be corrected within 30 days, the agency shall withdraw certification of the CILA program in question and notify the Department. The agency shall remain responsible for those individuals who live in or lived in the affected CILA.
- 3) The scope of quality assurance shall include reviewing semi-annually, or more frequently if problems are identified, at least the following:
  - A) The interdisciplinary process, service planning and implementation as they relate to community integration, independence in daily living and economic self-sufficiency;
  - B) The use of special procedures including behavior management techniques;
  - C) Unusual incidents relative to services to individuals;
  - D) Service utilization;
  - E) Individuals' records ensuring that they meet the requirements of this Part;
  - F) Arranged services to ensure that the needs of individuals are being met in accordance with this Part;
  - G) The status of individuals receiving service; and
  - H) Environmental reviews of living arrangements.
- 5) Quality assurance reviews and activities shall be documented and quality assurance records shall be filed separately from the records of individuals.

**i) Unusual incidents**



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- 1) The agency shall ensure that staff know how to address unusual incidents and shall have written policies and procedures for handling, investigating, and reporting of unusual incidents which shall include but are not limited to the following:
  - A) Rape or sexual assault;
  - B) Abuse or neglect;
  - C) Death;
  - D) Physical injury as clarified in the definition of "Abuse" in Section 115.120;
  - E) Assault;
  - F) Missing persons;
  - G) Theft; and
  - H) Criminal conduct.
- 2) Within 24 hours of occurrence the agency shall report any incident which is subject to the Criminal Code of 1961 (Ill. Rev. Stat. 1989, ch. 38, par. 1-1 et seq.) to the local law enforcement agencies.
- 3) The agency shall ensure that instances of abuse or neglect against individuals in programs which are licensed by the Department are reported to the Department of Public Health as required by the Abused and Neglected Long Term Care Facility Residents Reporting Act (Ill. Rev. Stat. 1989, ch. 111½, par. 4161 et seq.). The Department of Public Health shall report all incidents of abuse and neglect that occur in CILAs to the Department.
- 4) Either the Department of State Police or the Department shall investigate all incidents of abuse or neglect reported to the Department of Public Health.
- j) Individuals' records
  - 1) The agency shall ensure the confidentiality of individuals' records in accordance with the Act and shall ensure safekeeping of all records against loss or destruction.

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- 2) The agency shall maintain a chronological record for each individual. Records shall be located at the program site at which individuals are being served.
  - A) Each entry shall be legible, dated and authenticated by the signature and title of the person making the entry.
  - B) Corrections shall be initialed and made in such a way as to leave the original incorrect entry legible.
  - C) When symbols or abbreviations are used, the agency shall provide a legend to explain them which shall be standardized throughout the agency.
- 3) On an individual's entry into the agency, the following information shall be obtained, recorded and updated as necessary in the individual's record:
  - A) Identifying information including name, date of birth, sex, race, social security number and legal status;
  - B) The name, address and telephone number of the legal guardian or the person to be notified in case of an emergency;
  - C) The language spoken or understood by the individual including, in the case of a hearing impaired or non-verbal individual, the individual's preferred mode of communication, e.g., American sign language, signed English, aural, oral or tactile communications device;
  - D) Prescribed medications, reactions and side effects to medications, allergies to foods, other medications and substances;
  - E) Physical and dental examinations, and medical history;
  - F) Consent to receive emergency medical services; and
  - G) Copies of the authorization for release of information.
- 4) The following shall be entered in the individual's record during the period of service:
  - A) The language spoken or understood by the individual including, in the case of a hearing impaired or non-verbal individual, the individual's preferred mode of communication, e.g., American sign language, signed English, aural, oral or tactile communications device;
  - B) Prescribed medications, reactions and side effects to medications, allergies to foods, other medications and substances;
  - C) Physical and dental examinations, and medical history;
  - D) Consent to receive emergency medical services; and
  - E) Copies of the authorization for release of information.



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- A) Written, informed consent by the individual or guardian to participate in a CILA;
- B) Prior service history;
- C) Initial assessment and individual integrated services plan, and reassessments, and individual integrated services plan as described in Sections 115.230(f) through (o);
- D) Documentation of approval to use special procedures and the results of their use;
- E) Progress notes, which shall be entered chronologically and at least monthly, documenting the individual's involvement in and response to the services plan.
- k) Financial and operational requirements  
Agencies licensed to provide CILAs shall comply with 59 Ill. Adm. Code 103 (Grants).

## SUBPART D: LICENSURE REQUIREMENTS

## Section 115.400 Applicability

This Part shall apply to all public or private agencies, associations, sole proprietorships, partnerships, corporations or organizations which certify CILAs and are, therefore, subject to Department licensure.

## Section 115.410 Issuing a license and period of licensure

- a) Upon receipt of a completed application and verification of the agency's compliance with this Part, the Department shall issue a license which will authorize agencies to certify that programs provided in CILAs comply with the Code, the Act and this Part. The application shall include signature and date, and verification of the agency's compliance with this Part.
- b) The Department shall conduct surveys of licensed agencies and their certified programs and services. The Department shall review the records or premises, or both, as it deems appropriate for the purpose of determining compliance with the Community-Integrated Living Arrangements Licensure and Certification Act, the Code, the Act, and this Part.

- f) A license shall be valid for three years unless revoked in accordance with Section 4(e) of the Community-Integrated Living Arrangements Licensure and Certification Act.

## Section 115.420 License application

## a) Forms

- 1) Agencies shall obtain application forms to operate CILAs under this Part by writing to: Department of Mental Health and Developmental Disabilities, 4201 North Oak Park, Chicago, IL 60634, Attention: Bureau of Certification and Licensure
- 2) The application shall require agencies to certify that individuals being served and programs and services provided in CILAs comply with Section 4 of the Community-Integrated Living Arrangements Licensure and Certification Act, Chapter 2 of the Code, the Act and this Part. In addition, the application shall request information about:
  - A) The agency including the type of ownership, the names of all owners, partners and stockholders;
  - B) The individuals being served or to be served in the CILAs supervised by the agency including their disability and diagnosis, the kind of supervision received and whether individuals are in living arrangements owned or leased by the agency. Also, the application shall require agencies to identify if individuals are visually or hearing impaired and/or non-ambulatory;
  - C) The living arrangements used as CILAs including site addresses and telephone numbers.
  - 3) The authorized agency representative shall sign and date the application forms.

## b) Fees

The Department shall charge a licensure fee up to \$200 as provided by Section 4(d) of the Community-Integrated Living Arrangements Licensure and Certification Act.

## c) Renewal



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- 1) On Department notification, each licensed agency shall submit a signed and dated renewal application at least 120 days prior to expiration of the license.
- 2) Agencies in substantial compliance with this Part shall be relicensed for an additional three-year period.
- 3) If the Department does not approve an application for license renewal, it shall notify the applicant in writing 30 days prior to the expiration of the license.
- 4) Notice of the Department's decision not to renew a license shall include a clear and concise statement of the reason on which the determination is based and notice of the opportunity for a hearing.

## Section 115.430 Application acceptance and verification

- a) Applications for licensure or licensure renewal shall be deemed received by the Department on the postmarked date.
- b) The Department shall notify an agency of any error or omission made in the submission of an application for licensure within 30 days. Failure of the Department to respond shall not constitute a waiver of the requirements. If the agency fails to respond to the notice within 30 days of the postmark date, the Department shall terminate the application process and notify the agency within 30 days.
- c) The Department shall either approve or disapprove a completed application within 60 days of its receipt. If an application is incomplete, the Department shall notify the applicant of the status.
- d) The Department may verify information supplied in licensure applications.

## Section 115.440 Non-transferability of license

- a) A license is not assignable or transferable.
- b) Discontinuation of operations causes the license to be void.
- c) License documents and all copies shall remain Department property and shall be returned by the agency within 10 days after notifying the Department of a change in ownership, or if the license is revoked or modified.

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## Section 115.450 Cessation of operations

- a) If, at any time, an agency determines that it will terminate operation as a licensed CILA agency, it shall notify the Department of its decision at least 60 days prior to the date of termination.
- b) Said notice shall be given to the Department, to service providers working with all affected individuals, to any individual who must be transferred or discharged, to the individual's guardian and to a member of the individual's family, when applicable.
- c) The notice shall state the proposed date for cessation and the reason.
- d) The agency shall assist individuals in securing alternative services and shall advise individuals on available alternatives.
- e) The agency shall be responsible for services to individuals until cessation of operation as a licensed CILA agency occurs and shall work cooperatively with the Department in securing alternative services.

## Section 115.460 License revocation

- a) The Department may revoke a license at any time if the agency:
  - 1) Fails to comply with the service requirements identified in Subpart B;
  - 2) Fails to comply with the general agency requirements identified in Subpart C;
  - 3) Fails to correct deficiencies identified as a result of an on-site survey by the Department or fails to submit a plan of correction within 30 days of receipt of the notice of violation.
  - 4) Submits false information either on Department forms, required certifications, plan(s) of correction or during an on-site inspection;
  - 5) Refuses to permit or participate in a scheduled or unscheduled survey; or



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- 6) Willfully violates any rights of individuals being served as identified in Chapter 2 of the Code or Section 115.250.
- b) The Department shall refuse to license or relicense an agency or shall deny or revoke a license if the owner and/or authorized agency representative or licensee has been convicted of a felony, or a misdemeanor involving moral turpitude, as shown by a certified copy of the court of conviction.
- c) If the Department determines that a situation exists in a living arrangement other than those identified in Section 115.300(a) which is so serious that it subjects individuals to imminent risk of illness, mental or physical injury as described in the definition of "Abuse" in Section 115.120, it shall immediately issue an order for closure of the affected CILA and plan for the immediate removal of all individuals and/or revoke the license of the agency. The affected living arrangement shall not operate and shall not receive funding from the Department during the period of any appeal process.
- d) If an agency contests the Department's decision regarding licensure pursuant to subsections (a), (b) or (c) above, it can request a hearing pursuant to Section 115.470, by providing written notice. The Department shall notify the agency of the time and place of the hearing not less than 14 days prior to the hearing date.
- e) If the agency does not provide written notice, the Department shall deny or revoke the license.

## Section 115.470 Hearings

- a) A license may not be denied or revoked unless the agency is given written notice of the grounds for the Department's action. Except when revocation of a license is based on imminent risk as described in Section 115.460(c), the agency program whose license has been revoked may operate and receive reimbursement for services during the period preceding the hearing, until such time as a final decision is made.
- b) The agency may appeal the Department's proposed action by making a written request to the Director for a hearing within 15 days after receipt of the Department's written notice.
- c) The Department shall schedule a hearing within 20 working days of receipt of the request for appeal. The agency shall be notified by

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- registered mail not less than 14 days prior to the date of the hearing. The notice shall include the date, time and place of the hearing and a short statement of the issues to be decided.
- d) The hearing shall be conducted by a hearing officer authorized by the Director to conduct such hearings.
- e) At the hearing, both parties may present written and oral evidence. The Department shall have the burden of proving that there was substantial evidence of non-compliance with these standards. Substantial evidence is such evidence as a reasonable person can accept as adequate to support a conclusion (i.e., consists of more than a scintilla of evidence but somewhat less than a preponderance).
- f) The hearing officer shall issue his or her written decision within five working days after the hearing. The decision shall include a statement of facts about the appeal and the hearing officer's conclusions. Copies of the decision shall be sent to the agency and the Department.
- g) If the agency is not satisfied with the hearing officer's decision, it may request a review of the decision by the Director or designee. The request must be made in writing to the Director no later than 10 working days after receipt of the decision.
- h) Upon receipt of the request for review, the Director or designee shall review the hearing officer's decision and copies of all documents considered at the hearing. Within 20 working days of receipt of the request for review, the Director or designee shall issue a written decision upholding or reversing the hearing officer's decision. Copies of the decision shall be sent to the Department and the agency.
- i) The Director's or designee's decision shall constitute a final administrative decision.
- j) If the agency does not request a hearing, or, if after conducting a hearing, the Department determines that the license should be denied or revoked, the Department shall issue an order to that effect.
- k) If the Department's order is to deny or revoke the license, it shall specify that the order takes effect upon receipt by the agency, and that living arrangements shall not operate during the



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pendency of any proceeding for judicial review of the Department's decision, except under court order.

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Section 115, Appendix A Specific Level of Functioning Assessment and Physical Health Inventory

CMHDD-1215  
05-99

ILLINOIS DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

# SPECIFIC LEVEL OF FUNCTIONING ASSESSMENT and Physical Health Inventory

| RATER INFORMATION                             | CLIENT INFORMATION  |
|---|---|
| Name of Rater:<br>(Please print) _____        | Client Name: _____  |
| Rater's Title: _____                          | Client Social Security Number: _____  |
| Date on which this form was filled out: _____ | Date of Birth: _____  |
|   | Sex: _____ M _____ F  |
|   | Home Address: _____   |
|   | Is this person able to speak, read and understand English? _____              |
|   | If No, what language or adaptations does the person ordinarily require? _____ |
|   | Specify _____   |

On the following pages you will be asked to make some judgements about this client's skills and abilities. Please remember that your answers should reflect what has been most typical of the client during the past week, the way the client has been most of the time. Therefore, do not limit your rating only to the way the client was the last time you saw him. Your rating will have a great deal to do with the service this person will receive, so it is essential that you use your knowledge of the client's usual condition during the past week.

Base your answers on how persons of similar age, sex, and general background manage these activities in normal daily living. Do not use your program or facility as your only basis for comparison. We are less interested in how well someone has adjusted to your program than we are in how well they could manage outside it.

Above all, use common sense. These items are not too technical or complex, and you should use the best information, and best judgement, you can in making the assessment.



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Instructions: Circle the number that best describes this person's typical level of functioning on each item listed below. BE AS ACCURATE AS YOU CAN. If you are not sure about a certain rating, ask someone who might know or consult the case record.

MARK ONLY ONE NUMBER FOR EACH ITEM. BE SURE TO MARK ALL ITEMS.

| A. Physical Functioning  | SELF MAINTENANCE                                       |  |  |                                    | TOTALY<br>SELF-<br>SUFFICIENT | TOTALY<br>DEPENDENT |
|--|--|--|--|------------------------------------|-------------------------------|---------------------|
|  | PROBLEM, BUT<br>NO EFFECT<br>ON GENERAL<br>FUNCTIONING | SLIGHT EFFECT<br>ON GENERAL<br>FUNCTIONING | RESTRICTS<br>GENERAL<br>FUNCTIONING<br>SUBSTANTIALLY | PREVENTS<br>GENERAL<br>FUNCTIONING |                               |                     |
| 1. VISION  | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 2. HEARING   | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 3. SPEECH IMPAIRMENT   | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 4. WALKING, USE OF LEGS  | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 5. USE OF HANDS AND ARMS   | 5  | 4  | 3  | 2                                  | 1                             |                     |
| B. Personal Care Skills  |  |  |  |                                    |                               |                     |
| 6. TOILETING<br>(uses toilet properly; keeps self and<br>area clean)                         | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 7. EATING<br>(uses utensils properly; eating habits)   | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 8. PERSONAL HYGIENE<br>(body and teeth; general cleanliness)                                 | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 9. DRESSING SELF<br>(selects appropriate garments; dresses<br>self)                          | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 10. GROOMING<br>(hair, make-up, general appearance)  | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 11. CARE OF OWN POSSESSIONS  | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 12. CARE OF OWN LIVING SPACE   | 5  | 4  | 3  | 2                                  | 1                             |                     |
| C. Interpersonal Relationships   |  |  |  |                                    |                               |                     |
| 13. ACCEPTS CONTACT WITH OTHERS<br>(does not withdraw or turn away)                          | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 14. INITIATES CONTACT WITH OTHERS  | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 15. COMMUNICATES EFFECTIVELY<br>(speech and gestures are understandable<br>and to the point) | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 16. ENGAGES IN ACTIVITIES WITHOUT<br>PROMPTING   | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 17. PARTICIPATES IN GROUPS   | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 18. FORMS AND MAINTAINS<br>FRIENDSHIPS   | 5  | 4  | 3  | 2                                  | 1                             |                     |
| 19. ASKS FOR HELP WHEN NEEDED  | 5  | 4  | 3  | 2                                  | 1                             |                     |

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| D. Social Acceptability  | NEVER                         | RARELY                         | SOMETIMES                                    | FREQUENTLY                   | ALWAYS              |
|--|-------------------------------|--------------------------------|--|------------------------------|---------------------|
| 20. VERBALLY ABUSES OTHERS   | 5                             | 4                              | 3  | 2                            | 1                   |
| 21. PHYSICALLY ABUSES OTHERS   | 5                             | 4                              | 3  | 2                            | 1                   |
| 22. DESTROYS PROPERTY  | 5                             | 4                              | 3  | 2                            | 1                   |
| 23. PHYSICALLY ABUSES SELF   | 5                             | 4                              | 3  | 2                            | 1                   |
| 24. IS FEARFUL, CRYING, CLINGING   | 5                             | 4                              | 3  | 2                            | 1                   |
| 25. TAKES PROPERTY FROM OTHERS<br>WITHOUT PERMISSION   | 5                             | 4                              | 3  | 2                            | 1                   |
| 26. PERFORMS REPETITIVE<br>BEHAVIORS<br>(pacing, rocking, making noises, etc.)                           | 5                             | 4                              | 3  | 2                            | 1                   |
| E. Activities  | COMMUNITY LIVING SKILLS       |                                |  |                              |                     |
| 27. HOUSEHOLD RESPONSIBILITIES<br>(house cleaning, cooking, washing<br>clothes, etc.)                    | TOTALY<br>SELF-<br>SUFFICIENT | NEEDS<br>ADVICE OR<br>GUIDANCE | NEEDS SOME<br>PHYSICAL HELP<br>OR ASSISTANCE | NEEDS<br>SUBSTANTIAL<br>HELP | TOTALY<br>DEPENDENT |
| 28. SHOPPING<br>(selection of items, choice of stores,<br>payment at register)                           | 5                             | 4                              | 3  | 2                            | 1                   |
| 29. HANDLING PERSONAL FINANCES<br>(budgeting, paying bills)  | 5                             | 4                              | 3  | 2                            | 1                   |
| 30. USE OF TELEPHONE<br>(getting number, dialing, speaking,<br>listening)                                | 5                             | 4                              | 3  | 2                            | 1                   |
| 31. TRAVELING FROM RESIDENCE<br>WITHOUT GETTING LOST   | 5                             | 4                              | 3  | 2                            | 1                   |
| 32. USE OF PUBLIC TRANSPORTATION<br>(selecting route, using timetable, paying<br>fare, making transfers) | 5                             | 4                              | 3  | 2                            | 1                   |
| 33. USE OF LEISURE TIME<br>(reading, visiting friends, listening to<br>music, etc.)                      | 5                             | 4                              | 3  | 2                            | 1                   |
| 34. RECOGNIZING AND AVOIDING<br>COMMON DANGERS<br>(traffic safety, fire safety, etc.)                    | 5                             | 4                              | 3  | 2                            | 1                   |
| 35. SELF-MEDICATION<br>(understanding purpose, taking as<br>prescribed, recognizing side effects)        | 5                             | 4                              | 3  | 2                            | 1                   |
| 36. USE OF MEDICAL AND OTHER<br>COMMUNITY SERVICES<br>(knowing who to contact, how, and<br>when to use)  | 5                             | 4                              | 3  | 2                            | 1                   |
| 37. BASIC READING, WRITING AND<br>ARITHMETIC<br>(enough for daily needs)                                 | 5                             | 4                              | 3  | 2                            | 1                   |



## PHYSICAL HEALTH INVENTORY

| F. Work Skills   | HIGHLY<br>TYPICAL OF<br>THIS PERSON | GENERALLY<br>TYPICAL OF<br>THIS PERSON | SOMEWHAT<br>TYPICAL OF<br>THIS PERSON | GENERALLY<br>UNUSUAL FOR<br>THIS PERSON | HIGHLY<br>UNUSUAL FOR<br>THIS PERSON |
|--|-------------------------------------|--|---------------------------------------|---|--------------------------------------|
| 38. HAS EMPLOYABLE SKILLS  | 5                                   | 4                                      | 3                                     | 2                                       | 1                                    |
| 39. WORKS WITH MINIMAL SUPERVISION   | 5                                   | 4                                      | 3                                     | 2                                       | 1                                    |
| 40. IS ABLE TO SUSTAIN WORK EFFORTS<br>(not easily distracted; can work under stress)  | 5                                   | 4                                      | 3                                     | 2                                       | 1                                    |
| 41. APPEARS AT APPOINTMENTS ON TIME  | 5                                   | 4                                      | 3                                     | 2                                       | 1                                    |
| 42. FOLLOWS VERBAL INSTRUCTIONS ACCURATELY   | 5                                   | 4                                      | 3                                     | 2                                       | 1                                    |
| 43. COMPLETES ASSIGNED TASKS   | 5                                   | 4                                      | 3                                     | 2                                       | 1                                    |
| OTHER INFORMATION  |                                     |  |                                       |   |                                      |
| 44. From your knowledge of this person, are there other skills or problem areas not covered on this form that are important to this person's ability to function independently? If so, please specify. |                                     |  |                                       |   |                                      |
|  |                                     |  |                                       |   |                                      |
|  |                                     |  |                                       |   |                                      |
|  |                                     |  |                                       |   |                                      |
|  |                                     |  |                                       |   |                                      |
|  |                                     |  |                                       |   |                                      |
|  |                                     |  |                                       |   |                                      |
| 45. How well do you know the skills and behavior of the person you just rated? (Circle one)  |                                     |  |                                       |   |                                      |
| VERY WELL  | FAIRLY WELL                         | NOT VERY WELL                          |                                       | AT ALL                                  |                                      |
| 5  | 4                                   | 3                                      | 2                                     | 1                                       |                                      |
| 46. Have you discussed this assessment with the client? (Circle one)   |                                     |  |                                       |   |                                      |
| Yes No   |                                     |  |                                       |   |                                      |
| If YES, does the client generally agree with the assessment? (Circle one)  |                                     |  |                                       |   |                                      |
| Yes No   |                                     |  |                                       |   |                                      |
| If NO, please comment  |                                     |  |                                       |   |                                      |
|  |                                     |  |                                       |   |                                      |
|  |                                     |  |                                       |   |                                      |
|  |                                     |  |                                       |   |                                      |
|  |                                     |  |                                       |   |                                      |
|  |                                     |  |                                       |   |                                      |

Signature of Rater: \_\_\_\_\_

[illegible]



## DEPARTMENT OF PUBLIC AID

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: GENERAL ASSISTANCE

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Numbers: Adopted Action:

114.210 Amendment

114.251 Amendment

4) Statutory Authority: Sections 6-1.2, 6-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 6-1.2, 6-2 and 12-13)

5) Effective Date of Adopted Amendments: June 20, 1990

6) Does this rulemaking contain automatic repeal date? No

7) Do these Adopted Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 20, 1990

9) Notices of Proposal Published in Illinois Register: March 16, 1990 (14 Ill. Reg. 4070)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: No substantive changes were made to the text of these amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendment, currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

1114.9 Amendment February 23, 1990  
(14 Ill. Reg. 2821)

114.140 Repealed April 13, 1990  
(14 Ill. Reg. 5385)

Section Numbers Proposed Action Illinois Register Citation

114.235 Amendment April 20, 1990  
(14 Ill. Reg. 5713)

114.241 Amendment April 20, 1990  
(14 Ill. Reg. 5713)

114.250 Amendment June 22, 1990  
(14 Ill. Reg. \_\_\_\_\_)

114.430 Amendment April 27, 1990  
(14 Ill. Reg. 5945)

114.450 New Section April 13, 1990  
(14 Ill. Reg. 5385)

114.452 New Section April 13, 1990  
(14 Ill. Reg. 5385)

114.454 New Section April 13, 1990  
(14 Ill. Reg. 5385)

114.456 New Section April 13, 1990  
(14 Ill. Reg. 5385)

114.458 New Section April 13, 1990  
(14 Ill. Reg. 5385)

114.460 New Section April 13, 1990  
(14 Ill. Reg. 5385)

114.462 New Section April 13, 1990  
(14 Ill. Reg. 5385)

114.464 New Section April 13, 1990  
(14 Ill. Reg. 5385)

114.466 New Section April 13, 1990  
(14 Ill. Reg. 5385)

114.500 New Section April 13, 1990  
(14 Ill. Reg. 5385)

114.502 New Section April 13, 1990  
(14 Ill. Reg. 5385)



| Section Numbers | Proposed Action | Illinois Register Citation            |
|-----------------|-----------------|---------------------------------------|
| 114.504         | New Section     | April 13, 1990<br>(14 Ill. Reg. 5385) |
| 114.506         | New Section     | April 13, 1990<br>(14 Ill. Reg. 5385) |
| 114.508         | New Section     | April 13, 1990<br>(14 Ill. Reg. 5385) |
| 114.510         | New Section     | April 13, 1990<br>(14 Ill. Reg. 5385) |
| 114.512         | New Section     | April 13, 1990<br>(14 Ill. Reg. 5385) |
| 114.514         | New Section     | April 13, 1990<br>(14 Ill. Reg. 5385) |
| 114.516         | New Section     | April 13, 1990<br>(14 Ill. Reg. 5385) |
| 114.518         | New Section     | April 13, 1990<br>(14 Ill. Reg. 5385) |

15) Summary and Purpose of Adopted Amendments: Public Law 100-383 provides for the United States government to make restitution payments to Japanese-Americans or Aleutians or their survivors who were relocated or interned during World War II. These payments which will be made in early 1990 are exempt from consideration as both income and assets for Medical Assistance - Grant and Medical Assistance - No Grant cases.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney  
Office of the General Counsel

Address: Illinois Department of Public Aid  
Jesse B. Harris Building II  
100 South Grand Avenue East, 3rd Floor  
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114  
GENERAL ASSISTANCE

| Section | SUBPART A: GENERAL PROVISIONS         |
|---------|---------------------------------------|
| 114.1   | Description of the Assistance Program |
| 114.5   | Incorporation By Reference            |

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

| Section |  |
|---------|--|
| 114.9   | Client Cooperation   |
| 114.10  | Citizenship  |
| 114.20  | Residence  |
| 114.30  | Age  |
| 114.40  | Relationship   |
| 114.50  | Living Arrangement   |
| 114.52  | Social Security Numbers  |
| 114.60  | Work Registration Requirements                                     |
| 114.61  | Individuals Exempt From Work Registration Requirements             |
| 114.62  | Job Service Registration   |
| 114.63  | Failure to Maintain Current Job Service Registration               |
| 114.64  | Responsibility to Seek Employment                                  |
| 114.70  | Initial Employment Expenses  |
| 114.80  | Work and Training Programs   |
| 114.90  | Project Chance Participation/Cooperation Requirements (Renumbered) |
| 114.100 | General Assistance Jobs Program (Repealed)                         |

SUBPART C: PROJECT ADVANCE

| Section |   |
|---------|---|
| 114.108 | Project Advance   |
| 114.109 | Project Advance Participation Requirements of Adjudicated Fathers |
| 114.110 | Project Advance Cooperation Requirements of Adjudicated Fathers   |
| 114.111 | Project Advance Sanctions   |
| 114.113 | Project Advance Good Cause for Failure to Comply                  |
| 114.115 | Individuals Exempt From Project Advance                           |
| 114.117 | Project Advance Supportive Services                               |



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART D: PROJECT CHANGE

| Section |  |
|---------|--|
| 114.120 | Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid |
| 114.121 | Persons Required to Participate in Employment and Training   |
| 114.122 | Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act          |
| 114.123 | Persons in Need of Work Rehabilitative Services (WRS) to Become Employable   |
| 114.124 | Employment and Training Participation/Cooperation Requirements   |
| 114.125 | Employment and Training Program Orientation  |
| 114.126 | Employment and Training Program Full Assessment Process/Development of an Employment Plan  |
| 114.127 | Employment and Training Program Components   |
| 114.128 | Employment and Training Sanctions  |
| 114.129 | Good Cause For Failure to Cooperate With Work and Training Participation Requirements  |
| 114.130 | Employment and Training Supportive Services  |
| 114.140 | Employment Child Care  |

## SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

| Section |   |
|---------|---|
| 114.200 | Unearned Income   |
| 114.201 | Budgeting Unearned Income   |
| 114.202 | Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision |
| 114.203 | Initial Receipt of Unearned Income  |
| 114.204 | Termination of Unearned Income  |
| 114.210 | Exempt Unearned Income  |
| 114.220 | Education Benefits  |
| 114.221 | Unearned Income In-Kind   |
| 114.222 | Earmarked Income  |
| 114.223 | Lump Sum Payments   |
| 114.224 | Protected Income  |
| 114.225 | Earned Income   |
| 114.226 | Budgeting Earned Income   |
| 114.227 | Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision   |
| 114.228 | Initial Employment  |
| 114.229 | Termination of Employment   |
| 114.230 | Exempt Earned Income  |
| 114.235 | Recognized Employment Expenses  |

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

| Section |   |
|---------|---|
| 114.240 | Income From Work/Study/Training Program (Repealed)                    |
| 114.241 | Earned Income From Self-Employment                                    |
| 114.242 | Earned Income From Roomer and Boarder                                 |
| 114.243 | Earned Income From Rental Property                                    |
| 114.244 | Earned Income In-Kind   |
| 114.245 | Payments from the Illinois Department of Children and Family Services |
| 114.246 | Budgeting Earned Income For Contractual Employees                     |
| 114.247 | Budgeting Earned Income For Non-contractual School Employees          |
| 114.250 | Assets  |
| 114.251 | Exempt Assets   |
| 114.252 | Asset Disregards  |
| 114.260 | Deferral of Consideration of Assets (Repealed)                        |
| 114.270 | Property Transfers  |
| 114.280 | Supplemental Payments   |

## SUBPART F: PAYMENT AMOUNTS

| Section |                                       |
|---------|---------------------------------------|
| 114.350 | Payment Levels for General Assistance |
| 114.351 | Payment Levels in Group I Counties    |
| 114.352 | Payment Levels in Group II Counties   |
| 114.353 | Payment Levels in Group III Counties  |

## SUBPART G: OTHER PROVISIONS

| Section |   |
|---------|---|
| 114.400 | Persons Who May Be Included In the Assistance Unit                                |
| 114.401 | Eligibility of Strikers   |
| 114.402 | Special Needs Authorizations  |
| 114.403 | Institutional Status  |
| 114.404 | Retrospective Budgeting   |
| 114.405 | Budgeting Schedule  |
| 114.420 | Redetermination of Eligibility  |
| 114.430 | Six Month Extension of Medical Assistance Due to Increased Income From Employment |

**AUTHORITY:** Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code {Ill. Rev. Stat. 1987-1989, ch. 23, pars. 6-1 et seq. and 12-13}.

**SOURCE:** Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E reclassified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 reclassified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989 for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

## SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

## Section 114.210 Exempt Unearned Income

The following unearned income shall be exempt from consideration in determining eligibility and the level of assistance payment.

- a) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- b) The value of the U.S. Department of Agriculture donated foods (surplus commodities);

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 114.210 Exempt Unearned Income (Cont'd)

- c) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
- d) Any per capita judgment funds paid under ~~Public Law~~ P.L. 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana (25 U.S.C. 1264);
- e) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3030e);
- f) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program (42 U.S.C. 5001) and the Foster Grandparent Program (42 U.S.C. 5011) and Older Americans Community Service Employment Programs Program (42 U.S.C. 3056) established under Title II of the Domestic Volunteer Service Act (42 U.S.C. 5044~~(g)~~ 5001 thru 5023), as amended;
- g) Income received under the provisions of the ~~Eligibility~~ Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (Ill. Rev. Stat. ~~1985~~ 1987, ch. 67 1/2, par. 404(c)). This includes both the benefits commonly known as the circuit breaker and "additional grants";
- h) Payments Under Certain Federal Programs
  - 1) Any payment to volunteers in programs under Title II of the 1973 Domestic Volunteer Services Act, as amended (42 U.S.C. 5044(q)). Examples of these programs include RSVP, Foster Grandparents and other programs.
  - 2) Payments made under Title I (VISTA, University Year for Action and Urban Crime Prevention Program) are exempt only if the individual was receiving public assistance at the time he/she joined VISTA.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 114.210 Exempt Unearned Income (Cont'd)

- i) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Job Training Partnership Act (29 U.S.C. 1501 - 1781).
- j) Any payment received under Title I of P. L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8).
- k) Any payment received under Title II of P. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

(Source: Amended at 14 Ill. Reg. 10929 effective June 20, 1990)

## Section 114.251 Exempt Assets

The following assets are exempt from consideration in determining eligibility for assistance:

- a) Homestead property.
- b) Household furnishings.
- c) Clothing and personal effects.
- d) Motor Vehicle

1) One motor vehicle if the equity value does not exceed \$1500.

2) Only one vehicle is exempted per family case. For an adult case, not living with a spouse, one vehicle is exempted. For a husband and wife living together, only one vehicle is exempted. If a case(s) has more than one vehicle, the client(s) can choose to exempt one vehicle if the equity does not exceed \$1,500, and apply the equity value of the other vehicle(s) toward the asset disregard.

e) The principal and interest of a court ordered trust fund established for a child which, upon petition, the court refuses to release and one time only payments

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 114.251 Exempt Assets (Cont'd)

released for a specific purpose other than the income maintenance needs of the child.

f) Donations or benefits from fund raisers held for a seriously ill client provided the client or responsible relative of the client does not have control (e.g., not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.

g) Any payment received under Title I of P. L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8).

h) Any payment received under Title II of P. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

(Source: Amended at 14 Ill. Reg. 10929, effective June 20, 1990)



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Guaranteed Loan Programs
- 2) Code Citation: 23 Ill. Adm. Code 2720
- 3) Section Numbers:

|          |                        |
|----------|------------------------|
| 2720.40  | <u>Adopted Action:</u> |
| 2720.210 | Amendment              |
|          | New Section            |
- 4) Statutory Authority: Implementing Sections 30-15.10 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.10 et seq.), Title IV, Part B, or the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.4(f)).
- 5) Effective date of Amendments: July 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 11, 1990
- 9) Notice of Proposal Published in Illinois Register:

|                  |                   |
|------------------|-------------------|
| February 9, 1990 | 14 Ill. Reg. 2300 |
|------------------|-------------------|
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences from the proposed version: No substantive changes have been made to the proposed amendments. Clarifications have been incorporated at the suggestion of the Administrative Code Unit and JCAR staff.
- 12) Have all the changes agreed upon by the agency and JCAR been made? Yes

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on the Part? No
- 15) Summary and Purpose of Amendments: These amendments implement part of the legislation authorizing the Illinois Opportunity Programs (P.A. 86-163) by establishing a direct loan program that provides non-subsidized Stafford Loans to certain eligible borrowers. The rule amendments include the lending criteria by which ISAC will determine which applicants receive a loan.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Larry E. Matejka  
Executive Director  
Illinois Student Assistance Commission  
106 Wilmet Road  
Deerfield, Illinois 60015

The full text of the Adopted Amendments begins on the next page:



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

## PART 2720

## GUARANTEED LOAN PROGRAMS

## SUBPART A: Loan Guarantee Programs:

THE ROBERT T. STAFFORD LOAN PROGRAM, PLUS PROGRAM,  
SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,  
AND CONSOLIDATION LOAN PROGRAM

## Section

2720.5 Summary and Purpose  
2720.6 Definitions  
2720.10 Eligibility for ISAC Loan Guarantees  
2720.20 Lender Eligibility  
2720.30 Institutional Eligibility  
2720.40 Procedures for Obtaining a Guaranteed Loan  
2720.50 Procedures for Disbursement and Repayment  
2720.55 Consolidation Loan/unifLoan Program  
2720.60 Preclaim Assistance  
2720.70 Reimbursement Procedures  
2720.80 Student Insurance Premium

## SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

2720.105 Summary and Purpose  
2720.120 IDAPP Eligible Loans  
2720.130 IDAPP Eligible Lenders

## SUBPART C: ISAC ORIGINATED LOANS

2720.200 ISAC Originated Consolidation Loans  
2720.210 Illinois Opportunity Loan Program

## APPENDIX A Required Activities of Educational Lenders

**AUTHORITY:** Implementing Sections 30-15.10 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, pars. 30-15.10 et seq.); ~~the Education-teen-purchase-program-law (Ill.-Rev.-Stat.-1987, ch.-122, pars.-30-15.14a-et-seq.-as-amended by P.A.-85-1398, effective July 17, 1988)~~ Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.4(f)).

**SOURCE:** Adopted at 3 Ill. Reg. 4, p.38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (Illinois Student Assistance Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990 for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990.

## Section 2720.40 Procedures for Obtaining a Guaranteed Loan

- a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee and an application/promissory note form. All promissory notes must be in the form furnished by ISAC or an ISAC approved facsimile. No alteration or substitution may be used.
- b) All loans are made at the Lender's discretion. When a Lender rejects a borrower's application/promissory note, the Lender shall issue a Notice of Non-acceptance form to the borrower.



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Should an Applicant be unable to secure an ISAC Guaranteed Loan from an approved Lender, ISAC shall refer the Applicant to a Lender who has indicated a willingness to issue a Guaranteed Loan.
- 2) An Applicant must submit to ISAC a written request for a Lender referral. The request must include copies of three written notifications from approved Lenders that indicate a refusal to approve a loan application.
- c) The availability of an ISAC Guaranteed Loan shall not be conditioned upon the purchase of credit life, life, accident, health, or other forms of insurance.
- d) No Stafford Loan of less than \$150 shall be made by a Lender. A minimum loan amount of \$500 applies to PLUS and SLS. See Section 2720.10(f) for loan maximums.
- e) The application/promissory note must be signed in ink. Signature stamps shall not be used.
- f) Within any one of ISAC's Guaranteed Loan programs, all of a borrower's outstanding loans must be held by the same Lender or Holder.
  - 1) If a Lender receives an application/promissory note, and the borrower has outstanding ISAC Guaranteed Loans(s) with a prior Lender, the following provisions apply:
    - A) A subsidized Stafford Loan will be guaranteed if the Lender has purchased all outstanding subsidized Stafford Loans.
    - B) A non-subsidized Stafford Loan will be guaranteed if the Lender has purchased all outstanding non-subsidized Stafford Loans.
    - C) A PLUS loan will be guaranteed if the Lender has purchased all outstanding PLUS Loans made on behalf of the same student.
    - D) A SLS loan issued by a commercial Lender will be guaranteed if the Lender has purchased all outstanding SLS Loans made by another commercial Lender.

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- E) A SLS loan issued by an educational Lender will be guaranteed if the Lender is an educational Institution at which the borrower is Enrolled and the borrower has not previously obtained a SLS Loan through a commercial Lender.
- 2) If the Lender has sold the Applicant's previous ISAC Guaranteed Loan(s) to an approved Holder, a subsequent loan will be guaranteed provided:
  - (A) the renewal loan is issued by the same Lender that issued the previous loans; and
  - (B) the Lender sells the renewal loan to the Holder prior to the ending loan term date. Failure to sell the renewal loan by the deadline shall result in the loss of guarantee.
- 3) The requirements of subsection (f)(1) shall not apply if:
  - (A) the outstanding loans are held by a Lender which has been either declared insolvent by a regulatory agency or has terminated its Agreement.
  - (B) the borrower informs ISAC, in writing, that he/she is dissatisfied with the previous Lender's performance and requests that subsequent loans be issued by a different Lender.
- g) Co-maker and Co-signers
  - 1) Where two Parents or legal guardians reside in the same household, and the Parent or guardian applying for a PLUS loan guarantee is not the larger wage earner of the two, the Parent or legal guardian who is the larger wage earner must co-make the loan. This requirement shall not apply if, under current criteria employed by the Lender, the Applicant would be considered eligible for an unsecured loan of the same amount from such Institution. The Lender shall not require a co-maker on a SLS loan. At the Lender's option, a co-signer may be required on any PLUS or SLS loan.



## ILLINOIS STUDENT ASSISTANCE COMMISSION

## ILLINOIS STUDENT ASSISTANCE COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

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- 2) The Lender shall not require a co-maker or co-signer on a subsidized Stafford Loan nor accept security for payment thereof.

- h) Lenders shall obtain the names and addresses of at least two references from each loan Applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.

(Source: Amended at 14 Ill. Reg. 10941, effective July 1, 1990)

Section 2720.210 Illinois Opportunity Loan Program

- a) ISAC shall serve as a direct lender of non-subsidized Stafford Loans through an activity known as the Illinois Opportunity Loan Program.

- b) Each recipient of an Illinois Opportunity Loan must be an eligible borrower as established by Section 428 et seq. of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078 et seq.)

- c) In addition to the eligibility criteria established by federal law for all Stafford loan borrowers, each recipient must satisfy the following requirements to receive an Illinois Opportunity Loan.

- 1) Each borrower must be a Full-time student who is Enrolled in a degree program. The borrower must be classified at an Academic Level of sophomore or above in the degree program. The institution shall verify the borrower's enrollment status prior to disbursement.

- 2) Each borrower must be a Resident of Illinois. For purposes of this Part, an Applicant for an Illinois Opportunity Loan is a Resident of Illinois notwithstanding the Applicant's temporary absence from the State in order to enroll at an out-of-state institution.

- 3) The Illinois Opportunity Loan Program shall have a minimum loan size of \$1000 per Academic Year.

- 4) No Applicant may receive an Illinois Opportunity Loan if the total student assistance available to the borrower would exceed the borrower's cost of attendance. No Applicant may receive an Illinois Opportunity Loan unless the Institution's financial aid administrator determines the borrower needs an Illinois Opportunity Loan to finance his/her education. See, e.g. Title IV, Part F of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1087 kk et seq.)

- d) The receipt of an Illinois Opportunity Loan by an eligible borrower is subject to the availability of lending capital. To the extent necessary to avoid an overcommitment of funds, ISAC may determine Applicant eligibility on the basis of an application receipt date.

(Source: Added at 14 Ill. Reg. 10941, effective July 1, 1990)



## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF ACCEPTANCE OF AN APPLICATION

BY INB FINANCIAL CORPORATION,  
INDIANAPOLIS, INDIANA, TO ACQUIRE  
PEOPLES MID-ILLINOIS CORPORATION,  
BLOOMINGTON, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 (Ill. Rev. Stat. 1989, ch. 17, par. 2510.01(d)), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by INB Financial Corporation, One Indiana Square, Indianapolis, Indiana 46266 to acquire Peoples Mid-Illinois Corporation, 120 North Center Street, Bloomington, Illinois 61701.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to either:

Jerry D. Cavanaugh

Harold F. Boede

Commissioner of Banks and Trust Companies  
Room 100 Reisch Building  
117 South Fifth Street  
Springfield, Illinois 62701

## POLLUTION CONTROL BOARD

## NOTICE OF PUBLIC INFORMATION ON PROPOSED RULES

## NOTICE PURSUANT TO

ILL. REV. STAT. 1988 SUPP. CH. 111 1/2, PAR. 1007.2(b)  
SDWA RULES UNDER PAR. 1017.5

Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1017.5 requires the Board to adopt regulations which are "identical in substance" to USEPA rules adopted pursuant to the Safe Drinking Water Act (SDWA). These rules are proposed in 35 Ill. Adm. Code 611, on October 5, 1989; 13 Ill. Reg. 18690.

On June 21, 1990, in R88-26, the Pollution Control Board entered the following Order pursuant to Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1007.2(b):

Section 17.5 of the Environmental Protection Act (Act) requires the Board to adopt regulations which are "identical in substance" with USEPA public water supply rules adopted pursuant to the federal Safe Drinking Water Act (SDWA). The term "identical in substance" has recently been defined in Section 7.2 of the Act. Section 7.2(b) of the Act requires the Board to adopt a rule within one year of adoption of the federal rule, unless the Board extends the time based on a finding that the time is insufficient and stating the reasons for delay. On August 31, 1989, the Board first entered an Order extending the time.

The Board estimated that the rules would be adopted during December, 1989. However, the Illinois Environmental Protection Agency (Agency) requested an extension of the public comment period. The Board granted the extension, and, on January 11, 1990, entered a second extension of time Order.

On May 24, 1990, the Board entered a final Opinion and Order, which provided a post-adoption comment period until June 22, 1990. The Agency requested an extended post-adoption comment period, until July 23, 1990. On June 7, 1990, the Board entered an Order extending the post-adoption comment period through July 17, 1990.

Many of the USEPA rules involved date back to December 24, 1975, long before the mandates of Sections 7.2 and 17.5 of the Act. It is impossible to literally comply with the time requirements with respect to initial adoption of an already ongoing federal program.

As noted in the August 31, 1989, Order, the USEPA SDWA rules are in 40 CFR 141 et seq. These have been the subject of numerous recent amendments, including two major amendments on June 29, 1989 (54 Fed. Reg. 27526 and 27562). As is discussed in the May 24 Opinion, there were few substantive differences between the USEPA



## POLLUTION CONTROL BOARD

## DEPARTMENT OF EMPLOYMENT SECURITY

## NOTICE OF PUBLIC INFORMATION ON PROPOSED RULES

## REGULATORY AGENDA

and Board rules prior to that date. The Board has adopted rules corresponding with USEPA rules through June 30, 1989, and regards June 29, 1990, as the practical due date of this rulemaking. Thus, only reason for delay is that the Board is waiting for the Agency's post-adoption comments. Unless the comments require major revision of the proposal, the Board anticipates that it will be able to adopt a final correcting Order on July 19, 1990.

Part Heading: General Application

Code Citation: 56 Ill. Adm. Code 2712

A description of the rule: Part 2712 sets forth the rules for the operation of the free legal services program established by Section 802 of the Unemployment Insurance Act. Such services are available to "small employers" as that term is defined in this Part. A committee of various employer associations has requested that the Department consider expanding the definition of "small employer" from one which paid gross wages of less than \$50,000 in at least two of four quarters preceding its application for free legal services to one which paid gross wages of less than \$50,000 in at least one of the four quarters preceding its application for free legal services. The effect of this change would be to expand the number of employers eligible for free legal services.

Statutory authority: Ill. Rev. Stat. 1989, ch. 48, pars. 472, 610, 611 and 640.

Schedule of dates for hearings, meetings, or other opportunities for public participation: No hearings or meetings are scheduled, but the public may express its views on this possible rulemaking by addressing its comments to the individual indicated below.

Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Amendments for publication in the Illinois Register: The Department anticipates that, if it decides to propose the above described amendment, it will be proposed before July 1, 1990.

Information concerning this regulatory agenda shall be directed to:

Name: Stella Adams Cuthbert  
Address: Department of Employment Security  
 401 S. State St., 2nd Floor South  
 Chicago, IL 60605  
Telephone: 312-793-4240

Will this amendment affect small businesses? Yes, this amendment will have a positive effect on small businesses by expanding the class of small employers eligible for free legal services.

Other pertinent information concerning this amendment: None.



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 18, 1990, through June 22, 1990, and have been scheduled for review by the Committee at its July 26, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its July meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

| Second Notice Expires | Agency and Rule  | Start of First Notice        | Scheduled for Consideration by JCAR |
|-----------------------|--|------------------------------|-------------------------------------|
| 8/2/90                | Pollution Control Board, Solid Waste (35 Ill. Adm. Code 807)   | 3/16/90<br>14 Ill. Reg. 3902 | July 26, 1990                       |
| 8/2/90                | Auditor General, Code of Regulations (74 Ill. Adm. Code 420)   | 1/26/90<br>14 Ill. Reg. 1541 | July 26, 1990                       |
| 8/2/90                | Department of Public Health, Hospital Licensing Requirements (77 Ill. Adm. Code 250)                             | 2/16/90<br>14 Ill. Reg. 2478 | July 26, 1990                       |
| 8/2/90                | Department of Public Health, Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill. Adm. Code 205) | 4/13/90<br>14 Ill. Reg. 5442 | July 26, 1990                       |
| 8/2/90                | Pollution Control Board, Information to be Submitted in a Permit Application (35 Ill. Adm. Code 812)             | 3/16/90<br>14 Ill. Reg. 3834 | July 26, 1990                       |
| 8/2/90                | Pollution Control Board, Standards for Existing Landfills and Units (35 Ill. Adm. Code 814)                      | 3/16/90<br>14 Ill. Reg. 3858 | July 26, 1990                       |
| 8/2/90                | Pollution Control Board, Procedural Requirements for All Landfills Exempt from Permits (35 Ill. Adm. Code 815)   | 3/16/90<br>14 Ill. Reg. 3872 | July 26, 1990                       |

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED  
(page 2)

| Second Notice Expires | Agency and Rule  | Start of First Notice        | Scheduled for Consideration by JCAR |
|-----------------------|--|------------------------------|-------------------------------------|
| 8/2/90                | Pollution Control Board, Procedural Requirements for Permitted Landfills (35 Ill. Adm. Code 813)   | 3/16/90<br>14 Ill. Reg. 3882 | July 26, 1990                       |
| 8/2/90                | Pollution Control Board, Solid Waste Disposal: General Provisions (35 Ill. Adm. Code 810)  | 3/16/90<br>14 Ill. Reg. 3909 | July 26, 1990                       |
| 8/2/90                | Pollution Control Board, Standards for New Solid Waste Landfills (35 Ill. Adm. Code 811)   | 3/16/90<br>14 Ill. Reg. 3923 | July 26, 1990                       |
| 8/2/90                | Department of Public Health, Drinking Water Systems Code (77 Ill. Adm. Code 900)   | 4/13/90<br>14 Ill. Reg. 5457 | July 26, 1990                       |
| 8/2/90                | Department of Commerce and Community Affairs, State Administration of the Federal Community Services Block Grant Program (47 Ill. Adm. Code 120) | 4/13/90<br>14 Ill. Reg. 5296 | July 26, 1990                       |
| 8/6/90                | Department of Public Aid, General Assistance (89 Ill. Adm. Code 114)   | 4/13/90<br>14 Ill. Reg. 5385 | July 26, 1990                       |
| 8/6/90                | Illinois Local Governmental Law Enforcement Officers Training Board, Minimum Requirements of the Trainee (20 Ill. Adm. Code 1720)                | 4/13/90<br>14 Ill. Reg. 5378 | July 26, 1990                       |



## EXECUTIVE ORDER

90-3

## PERSONNEL DIRECTIVE

Effective on the close of business today, June 22, 1990, all agencies, departments, bureaus, boards and commissions subject to the control or direction of the Governor shall conform their personnel practices to the principles of the Rutan v. Republican Party of Illinois decision, to the extent that such practices may differ from those permitted by that decision. Under this ruling, no one may be denied State employment, promotion, transfer or recall to a position based on political party affiliation or support.

Issued by the Governor June 22, 1990.

Filed with the Secretary of State June 22, 1990.

## PROCLAMATION

90-304

## DISASTER AREAS - SEVERAL COUNTIES

A series of tornados and severe thunderstorms with torrential rains and damaging winds occurred in the northwest, west central and central portions of the State in the early morning of June 20, 1990. These storms have created record flooding conditions, serious public service disruptions and extensive damages to real and personal property, business enterprises, farms, livestock, roads and other property in affected counties.

In the interest of aiding those citizens who were adversely affected and suffered losses because of wind damage and flood conditions and to minimize any further impact on the public health, safety and welfare of our citizens, I, hereby declare Adams, Cass, Dewitt, Douglas, Hancock, Logan, Macon, Menard, McDonough, Morgan, Moultrie, Rock Island, Schuyler, Tazewell, Whiteside and Woodford counties to be State of Illinois Disaster Areas, pursuant to the provisions of Section 7(a) of the "Illinois Emergency Services and Disaster Agency Act of 1988" (Ill. Rev. Stat., 1989, ch. 127, par. 1051, et seq.).

This gubernatorial declaration of disaster will aid the Illinois Emergency Services and Disaster Agency in coordinating other State agency resources in the disaster recovery operations; provide for the reassessment of real and personal property substantially damaged by the storms; and make possible any requests for federal disaster assistance.

Issued by the Governor June 22, 1990.

Filed with the Secretary of State June 22, 1990.

90-305

## CUSTOMER SERVICE WEEK

Whereas, the customer is an influential and important factor in a company's success; and

Whereas, because the customer is such a significant part of a company's success, great emphasis must be placed on providing quality customer service; and

Whereas, today's high cost of attracting new customers further emphasizes the need to retain existing customers by providing them with effective service; and

Whereas, excellent customer service contributes to the growth and success of every company;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 7-13, 1990, as CUSTOMER SERVICE WEEK in Illinois.

Issued by the Governor June 18, 1990.

Filed with the Secretary of State June 25, 1990.



## 90-306

## DAIRY MONTH

Whereas, since June is the month when nature bestows upon us its most nearly perfect weather and milk is nature's most nearly perfect food, it follows that June is the most fitting time to celebrate Dairy Month; and

Whereas, milk and milk products contribute so much to our citizens' health and vitality all year long. They have helped our children to grow taller, our young adults to be more vigorous, and our senior citizens to enjoy the longest, most productive lives in the history of the world; and

Whereas, June is also a perfect time to pay tribute to the nation's vast dairy industry--one fifth of the nation's farm economy--whose daily work and dedication contribute so much to the nation's health and prosperity every day of the year; and

Whereas, 1990 will mark the 54th anniversary of Dairy Month; Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 1990 as DAIRY MONTH in Illinois, and I encourage our citizens to enjoy milk and other dairy foods.

Issued by the Governor June 18, 1990.

Filed with the Secretary of State June 25, 1990.

## 90-307

## DAVID R. GILBERT DAY

Whereas, David R. Gilbert will be 50 years old June 21, 1990, a milestone which, as he begins the second half century of his life, marks the beginning of many firsts such as membership requests to join AARP and taking afternoon naps; and

Whereas, David "Hick" Gilbert grew up as the son of a Baptist preacher in the humble hamlet of Peru, Indiana, an environment that saddled him with a tragic personality disorder--die-hard Hoosier fan; and

Whereas, "Deadline" Dave Gilbert worked for several years as a reporter for the Chicago Tribune, where he sharpened many of the career skills he practices to this day, including the belief that the work he does really means something; and

Whereas, in 1975 a young, politically inexperienced former U. S. attorney running for governor in Illinois called Dave "Kingmaker" Gilbert and asked him to be his press secretary; and

Whereas, Dave "Hot Tub" Gilbert did go on to become Press Secretary to the Governor and in a sad commentary of central Illinois' male gene pool, was honored as Springfield's most eligible bachelor; and

Whereas, Dave "Money's No Problem, Baby" Gilbert, who left the Thompson administration to employ his well-known fiscal habits at Continental Bank, has since moved on to run Lesnik Public Relations, where the staff mistakenly believes he's kind, patient, wise, and generally a benevolent leader;

Therefore, I, James R. Thompson, Governor of the State of

Illinois, in honor of his 50th birthday but against my better judgment, do hereby proclaim Thursday, June 21, 1990, as DAVID R. GILBERT DAY in Illinois.

Issued by the Governor June 18, 1990.

Filed with the Secretary of State June 25, 1990.

## 90-308

## FOSTER GRANDPARENT RECOGNITION DAY

Whereas, volunteers in the Foster Grandparent Program have served in American communities for 25 years; and

Whereas, the 665 Foster Grandparent volunteers of Illinois are continuing the tradition of a quarter-century of achievement, by providing personal care, and nurturing to children with special or exceptional needs; and

Whereas, to recognize this great contribution, the Foster Grandparent Program's 25th Anniversary is being celebrated from May 1990, which is Older Americans Month, until August 28, 1990, the date which marks the creation of the Foster Grandparent Program;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim July 16, 1990, as FOSTER GRANDPARENT RECOGNITION DAY in Illinois and urge all citizens to join me in this observance.

Issued by the Governor June 18, 1990.

Filed with the Secretary of State June 25, 1990.

## 90-309

## NAVY LEAGUE OF THE UNITED STATES MONTH

Whereas, the Navy League of the United States was established 88 years ago to educate and inform citizens about our nation's maritime forces; and

Whereas, the dedicated members of the Navy League demonstrate a dynamic spirit of patriotism in support of the Sea Services of the United States; and

Whereas, special recognition should be given to the more than 75,000 Navy Leaguers nationwide, and in particular, the more than 2,000 Navy Leaguers residing in Illinois, who are fostering and promoting a better understanding of the Navy, Coast Guard, Marine Corps, and Merchant Marine; and

Whereas, in 1902 President Theodore Roosevelt encouraged the establishment of the Navy League on the premise that "All good Americans interested in the growth of their Country and sensitive to its honor should give hearty support to the policies which the Navy League is founded to further";

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 1990 as NAVY LEAGUE OF THE UNITED STATES MONTH in Illinois in recognition of the dedicated service and support the league has given to the maritime forces.



Issued by the Governor June 18, 1990.  
Filed with the Secretary of State June 25, 1990.

90-310  
**MISSISSIPPI RIVER REVIVAL**

Whereas, the Mississippi River has a unique place in the history and development of our country; and  
Whereas, the scenic and natural beauty of the Mississippi River Valley has attracted recreational users, fostered interstate commerce, and nurtured vast arrays of wildlife along the entire length of the river; and

Whereas, the Mississippi River Revival encourages citizens to participate in river cleanups, festivals, flotillas, river watches, and other programs devoted to improving the ecology of the river;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim that our state and our citizens will take strides to insure the water quality of the Mississippi River is not degraded as it leaves Illinois.

Issued by the Governor June 19, 1990.  
Filed with the Secretary of State June 25, 1990.

90-311  
**NATION'S BLACK NEWSPAPER PUBLISHERS DAYS**

Whereas, more than 500 delegates of the National Newspaper Publishers Association will meet in Chicago June 27-30 to celebrate the Golden Anniversary of this organization; and

Whereas, the theme of this year's historic convention is "Power of the Black Press: Forging a Way for the Underprivileged of the World," words by which members of this association closely adhere; and

Whereas, the highlight of this event is the 1990 NNPA Merit Award Winner's Banquet to which both President George Bush and Nelson Mandela of the African National Congress have been invited to be the guest speakers; and

Whereas, other features include entertainment by the "Chicago Blues Extravaganza," a reception at the Museum of African American History, business sessions, workshops, and a series of exhibits designed to highlight leading U.S. corporations, non-profit organizations, government agencies, and minority entrepreneurs;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 27-30, 1990, as NATION'S BLACK NEWSPAPER PUBLISHERS DAYS in Illinois in honor of the organization's 50th anniversary.

Issued by the Governor June 19, 1990.  
Filed with the Secretary of State June 25, 1990.

90-312

**PARAPROFESSIONAL AND CLERICAL SUPPORT STAFF  
IN PERSONNEL OFFICES OF STATE AGENCIES WEEK**

Whereas, the State of Illinois and the Government Personnel Association believe that all employees should be provided with accurate and timely information pertaining to personnel actions, agency work rules, and employee benefit programs; and

Whereas, each agency assigns the implementation of such responsibility to the personnel section; and

Whereas, the interpretation and administration of the Illinois Personnel Code, Personnel Rules, policies, and procedures for transaction processing are assigned to the personnel office of each agency; and

Whereas, agency administrators and personnel officers of each agency rely heavily on the talent and work performance of persons who fill paraprofessional and clerical support positions in the personnel offices of state agencies;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 24-30, 1990, as PARAPROFESSIONAL AND CLERICAL SUPPORT STAFF IN PERSONNEL OFFICES OF STATE AGENCIES WEEK in Illinois in recognition of the importance and dedication of these individuals to the employees of the State of Illinois.  
Issued by the Governor June 19, 1990.  
Filed with the Secretary of State June 25, 1990.

90-313

**REVEREND CLAY EVANS DAY**

Whereas, the Reverend Clay Evans is founder and pastor of the Fellowship Missionary Baptist Church, a church which celebrated 40 years of service to Chicago, our state, our nation, and our world; and

Whereas, the Reverend Clay Evans has brought the gospel to millions of people through the "What A Fellowship" television broadcast, innumerable revivals, gospel services, and gospel recordings; and

Whereas, the Reverend Clay Evans has facilitated the launching of the ministerial careers of more than 75 ministers, has been an active and influential member of the civil rights movement, and a leader in the business and civic communities of Chicago and the nation; and

Whereas, Pastor Evans was appointed to serve with His Eminence Joseph Cardinal Bernardin as co-chair of the first State of Illinois Dr. Martin Luther King Jr. Holiday Commission; and

Whereas, Reverend Clay Evans has been a close friend, advisor, and confidante throughout my tenure as Governor of the State of Illinois. His spiritual theme, "It Is No Secret What God Can Do," has been an inspiration to persons of all walks of life; and

Whereas, Pastor Evans will celebrate his 65th birthday



Saturday, June 23, 1990;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 23, 1990, as REVEREND CLAY EVANS DAY in Illinois.

Issued by the Governor June 19, 1990.

Filed with the Secretary of State June 25, 1990.

90-314  
WIC DAYS

Whereas, nutrition and nutrition education plays a vital role in the health and welfare of the citizens of Illinois; and Whereas, the Women, Infants, and Children (WIC) Program was established to provide nutrition and nutrition education services; and

Whereas, each month the 180 WIC clinics throughout Illinois provide more than 190,000 people with nutritious foods, nutrition education, and other health services; and

Whereas, these services promote the health and welfare of infants, children, and pregnant or breastfeeding women and also aim at preventing infant mortality and low birth weight infants; and

Whereas, increased public awareness of the need of good nutrition and nutrition education will benefit all citizens and provide greater public understanding of the need for these services;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 25-29, 1990, as WIC DAYS in Illinois. I urge all Illinoisans to learn more about the WIC Program and join in the effort to assure that all eligible pregnant women, infants, and children receive proper nutrition during critical development stages.

Issued by the Governor June 19, 1990.

Filed with the Secretary of State June 25, 1990.

90-315  
FLAGS AT HALF-MAST DAY

Whereas, despite progress in facility design and professionalism, criminal violence has not yet been overcome in our jails and prisons; and

Whereas, this violence led to the unnecessary deaths of correctional officers last year, including the death of Larry Kush, an Illinois correctional officer who was killed at Stateville Correctional Center in Joliet; and

Whereas, to pay respect to Larry Kush and other officers killed in the line of duty, flags at jails and prisons throughout our state and our nation should be flown at half-mast between 11 a.m. and 2 p.m. Friday, June 22, 1990; and

Whereas, during this observance, corrections professionals,

as well as all citizens, should pause and recall that correctional officers were killed last year in places where crimes should not occur;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 22, 1990, as FLAGS AT HALF-MAST DAY in Illinois in respect to the correctional officers who were killed in our state's and nation's correctional institutions. I strongly urge all jails and prisons to recognize the observance accordingly.

Issued by the Governor June 21, 1990.

Filed with the Secretary of State June 25, 1990.

90-316  
SIGMA GAMMA RHO SORORITY DAYS

Whereas, the Sigma Gamma Rho Sorority, headquartered in Illinois, is committed to improving the quality of life for its members and others, as its slogan indicates: "Greater Service, Greater Progress"; and

Whereas, the sorority is devoted to motivating youth who uphold the qualities of responsibility, self-respect, and good scholarship, to making greater achievements, living wholesomely, and exploring new horizons; and

Whereas, Sigma Gamma Rho represents women bonded together in thought and effort toward purposes of self-improvement, uplifting young people, and rendering service wherever needed in an age where it is imperative for women to take the lead, set the pace, and prepare for the 21st Century; and

Whereas, thousands of dollars are awarded each year to sororities for scholarships. Grants and funds are also allotted for numerous sorority-sponsored community services, including literary contests, leadership training, vocational guidance, and "Project Reassurance," which provides parents and children with meaningful counseling;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim July 15-19, 1990, as SIGMA GAMMA RHO SORORITY DAYS in Illinois in conjunction with their national convention. I urge citizens to express their appreciation to Sigma Gamma Rho for its continued service to the people of our state.

Issued by the Governor June 21, 1990.

Filed with the Secretary of State June 25, 1990.

90-317  
SOVIET AND AMERICAN PEN PALS DAY

Whereas, the Soviet Union and the United States have together made global strides toward a new era of peace; and

Whereas, the children of both nations are witnesses to this glorious year of world history; and

Whereas, the doors are opening wide for schools of both



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nations to reflect and nurture this growing friendship; and Whereas, broad scale direct personal communication among the children of both countries will foster understanding and appreciation for differing cultures, as well as a brilliant and lasting unification of trust, thus helping to ensure future world peace;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 15, 1990, as SOVIET AND AMERICAN PEN PALS DAY in Illinois.

Issued by the Governor June 22, 1990.

Filed with the Secretary of State June 25, 1990.

90-318

THE YEAR OF MUNDELEIN COLLEGE

Whereas, Mundelein College in Chicago is Illinois' only women's college; and

Whereas, Mundelein College has been in the forefront of higher education since it was founded and remains in the forefront by initiating vigorous and innovative programs; and

Whereas, Mundelein College has demonstrated leadership in meeting adult educational needs through its continuing education program, weekend college program, accelerated evening program, elementary education certification program, and graduate programs; and

Whereas, Mundelein College has demonstrated community responsibility by establishing programs with local colleges and managing workshops devoted to women's issues; and

Whereas, Mundelein College draws students from throughout the city, state, and nation. It ranks 16th in the nation among women's colleges and second in Illinois among all liberal arts colleges in the number of women graduates who go on to earn doctorate degrees. It has been cited twice by U.S. News & World Report as one of the best small colleges in the Midwest; and

Whereas, Mundelein College graduates hold prominent positions in education, government, medicine, law, the arts, music, business, and other professions, and its faculty has earned a national reputation for excellence;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim 1990 as THE YEAR OF MUNDELEIN COLLEGE in Illinois in honor of the college's 60th anniversary and its dedication to setting and maintaining high standards in liberal arts education.

Issued by the Governor June 22, 1990.

Filed with the Secretary of State June 25, 1990.



## ACTION CODES

JCAR - Joint Committee on Administrative Rules

- A - Adopted Rule  
 AR - Adopted Repealer  
 C - Notice of Corrections  
 CC - Codification Changes  
 E - Emergency Rule  
 ER - Emergency Repealer  
 M - Modification to meet JCAR objections  
 O - JCAR Statement of Objections
- P - Proposed Rule  
 PF - Prohibited Filing Ordered by JCAR  
 PP - Preliminary or Court ordered Rules  
 PR - Proposed Repealer  
 R - Refusal to meet JCAR objection  
 RC - Statement of Recommendation  
 S - Suspension ordered by JCAR  
 W - Withdrawal to meet JCAR objections

## EXAMPLE:

## AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 PART ACTION CODE PAGE NUMBER ACTION CODE  
 TITLE ACTION CODE PREVIOUS VOLUME ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (312) 782-9286.

## AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-1077; A-10732) (P-13638/89; O-17144/89; R-1333)  
 (P-13353/89; A-1233)  
 89 Ill. Adm. Code 230 Older Americans Act Programs (P-14499/89; A-2308)

## AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-15911/89; A-1907) (P-16861/89; A-3416) (P-8759)  
 8 Ill. Adm. Code 75 Bovine Brucellosis (P-15915/89; A-1911)  
 8 Ill. Adm. Code 85 Diseased Animals (P-15926/89; A-1919) (P-8768)  
 8 Ill. Adm. Code 80 Ill. Bovine Tuberculosis Eradication Act (P-15938/89; A-1931)  
 8 Ill. Adm. Code 115 Ill. Pseudorabies Control Act (P-15942/89; A-1935) (P-19329/89; A-5065) (P-3773)  
 8 Ill. Adm. Code 40 Livestock Auction Markets (P-15950/89; A-1943)  
 8 Ill. Adm. Code 45 Marketing Control (Livestock) (P-15956/89; A-1949)  
 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (P-16625/89; A-3424) (PP-4953)  
 8 Ill. Adm. Code 850 Motor Fuel Standards Act (P-19837/89; A-5072)  
 2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-584) (A-4093)  
 (A-9009)  
 8 Ill. Adm. Code 5 Standardization of Agriculture Products (P-3711; A-10308)  
 8 Ill. Adm. Code 100 Swine Brucellosis (P-15960/89; A-1953)  
 8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-15968/89; A-1961) (P-8777)

## ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

- 77 Ill. Adm. Code 2058 Licensure of Alcoholism & Substance Abuse Treatment Intervention & Research Programs (P-6457)

## ATTORNEY GENERAL

- 86 Ill. Adm. Code 2000 Ill. Estate & Generation - Skipping Transfer Tax Act (P-4281)

## AUDITOR GENERAL

- 74 Ill. Adm. Code 420 Code of Regulations (P-1541)

## BANKS AND TRUST COMPANIES, COMMISSIONER OF

- 38 Ill. Adm. Code 395 Corporate Fiduciary Branch Offices (P-2981)  
 38 Ill. Adm. Code 396 Corporate Fiduciary Subsidiaries (P-2985)  
 38 Ill. Adm. Code 356 Reimbursement to Banks for Financial Records (P-3303)

## CARNIVAL-AMUSEMENT SAFETY BOARD

- 56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-2989) (E-3235; O-5905)

## CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

- 80 Ill. Adm. Code 303 Conditions of Employment (P-17169/89; A-3433)  
 80 Ill. Adm. Code 2160 Local Government Health Plan (P-4288)  
 80 Ill. Adm. Code 5010 Marking, Inventory, Transfer & Disposal of State-Owned Personal Property (P-8271) (E-8714)  
 80 Ill. Adm. Code 310 Pay Plan (P-427; A-10002) (P-15141/89; A-615) (PP-1627) (P-17521/89; A-4455) (P-5269) (PP-7652) (P-7675) (P-10189)

## CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Dept. (P-4303)  
 89 Ill. Adm. Code 410 Licensing Standards for Youth Emergency Shelters (P-439; O-8206; R-9622; A-9407) (E-999)  
 89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-20159/89; C-2684)  
 89 Ill. Adm. Code 337 Service Appeal Process (P-9273)  
 89 Ill. Adm. Code 302 Services Delivered by the Dept. (P-1) (P-2205) (P-14508/89; A-3438)

## COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

- 14 Ill. Adm. Code 525 Economic Development Area Tax Increment Allocation Financing (P-13356/89; A-1968)  
 14 Ill. Adm. Code 520 Enterprise Zone Program (P-15975/89; A-3445)  
 14 Ill. Adm. Code 590 Ill. Large Business Development Program (P-7291)  
 14 Ill. Adm. Code 610 Ill. Public Infrastructure Loan & Grant Program (P-7300)  
 56 Ill. Adm. Code 2650 Industrial Training Program (P-15977/89; A-5075)  
 14 Ill. Adm. Code 550 Local Tourism & Convention Bureau Program (P-17567/89; A-5091) (P-5294) (E-5565; O-10159) (P-8782)  
 47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-5296)  
 14 Ill. Adm. Code 545 Technology Advancement & Development Act Program (P-19336/89; A-9016)  
 56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-5017/89; A-1976)  
 56 Ill. Adm. Code 2630 Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-5310) (P-7312)

## COMMERCE COMMISSION, ILLINOIS

- 92 Ill. Adm. Code 1207 Agents for Service of Process (P-15150/89; A-3033)  
 92 Ill. Adm. Code 760 Cellular Radio Exclusion (P-13358/89; A-3037) (P-9631)  
 83 Ill. Adm. Code 281 Energy Assistance (PR-4312)  
 92 Ill. Adm. Code 1415 Freight Bills & Bills of Lading or Other Forms (P-19339/89; A-8583)  
 83 Ill. Adm. Code 900 Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12680/89; AR-624)  
 92 Ill. Adm. Code 1300 Minimum Rate (PR-14147/89; AR-3040)  
 83 Ill. Adm. Code 590 Minimum Safety Standards for Transportation of Gas & for Gas Pipeline Facilities (P-19344/89; A-10018)